

NORTH CAROLINA REGISTER

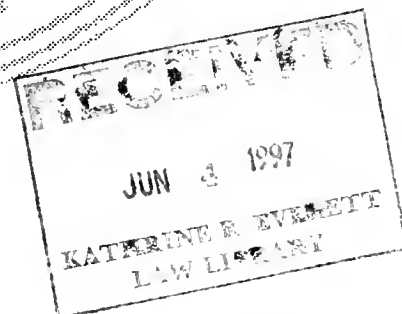
**VOLUME 11 • ISSUE 26 • Pages 1969 - 2048
April 15, 1997**

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Transportation
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Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER



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(October 1996 - July 1997)

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session
11:13	10/01/96	09/10/96	12/02/96	12/16/96	10/16/96	10/31/96	11/20/96	01/30/97	12/02/96	12/20/96	05/10/98
11:14	10/15/96	09/24/96	12/16/96	01/02/97	10/30/96	11/14/96	11/20/96	01/30/97	12/16/96	12/20/96	05/10/98
11:15	11/01/96	10/11/96	12/31/96	01/02/97	11/18/96	12/02/96	12/20/96	05/10/98	12/31/96	01/21/97	05/10/98
11:16	11/15/96	10/24/96	01/14/97	01/15/97	12/02/96	12/16/96	12/20/96	05/10/98	01/14/97	01/21/97	05/10/98
11:17	12/02/96	11/06/96	01/31/97	02/03/97	12/17/96	01/02/97	01/21/97	05/10/98	01/31/97	02/20/97	05/10/98
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .010³ and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ol style="list-style-type: none"> (1) temporary rules; (2) notices of rule-making proceedings; (3) text of proposed rules; (4) text of permanent rules approved by the Rules Review Commission; (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165; (6) Executive Orders of the Governor; (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; (8) orders of the Tax Review Board issued under G.S. 105-241.2; and (9) other information the Codifier of Rules determines to be helpful to the public. 	<p>ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p>LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <p>(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391

Charles R. Fullwood, Executive Director

PROCLAMATION

Charles R. Fullwood, Executive Director, North Carolina Wildlife Resources Commission, acting pursuant to North Carolina General Statute §113-292 (cl) and authority duly delegated by the Wildlife Resources Commission, hereby declares that the season for harvesting striped bass by hook-and-line shall close in all waters of the Roanoke River Striped Bass Management Area downstream of the Edwards Ferry Boating Access Area at US 258 bridge on the Roanoke River in Halifax County at 12:00 midnight on Sunday, March 23, 1997.

In the Roanoke River and its tributaries upstream of the Edwards Ferry Boating Access Area at US 258 bridge striped bass may be harvested from 12:01 a.m. on Saturdays through 12:00 midnight on Sundays, and from 12:01 a.m. through 12:00 midnight on Wednesdays. On all other days all striped bass caught, regardless of condition, shall be immediately returned to the waters where taken and no striped bass may be possessed.

The Roanoke River Striped Bass Management Area is defined as the inland and joint fishing waters of the Roanoke River and its tributaries, extending from its mouth to Roanoke Rapids Dam, including the Cashie, Middle, and Eastmost rivers and their tributaries.

This proclamation shall be effective at 12:00 midnight, March 23, 1997 and shall remain in effect until a new proclamation opening described waters or portions thereof for striped bass fishing is issued.

This proclamation supercedes and replaces all prior proclamations.

NOTES:

- a) This Proclamation is issued under the authority of N.C.G.S. §§113-132; 113-134; 113-292; 113-304; and 113-305.
- b) All striped bass regardless of condition caught during the closed season shall be immediately returned to the waters where taken and no striped bass may be possessed.
- c) Any person who violates this Proclamation also violates applicable law and is subject to the sanctions provided by law.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

by

Charles R. Fullwood
Executive Director

March 19, 1997
Date

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed Assessment of corporate income and franchise tax liability for calendar years 1988, 1989, 1990, and 1991 assessed by the Secretary of Revenue against **Philip Morris, Incorporated**

ADMINISTRATIVE

DECISION NUMBER: 327

THIS MATTER was heard before the Regular Tax Review Board on September 17, 1996, in the City of Raleigh, Wake County, North Carolina, in the office of the State Treasurer. It involved the petition for administrative review filed by Philip Morris, Incorporated (hereinafter "Taxpayer") of the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on March 19, 1996, sustaining a proposed assessment of corporate income and franchise tax liability for the calendar years of 1988, 1989, 1990, 1991 against the Taxpayer.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Hugh A. Wells, then Chairman of the Utilities Commission and duly appointed member, Noel L. Allen, attorney at law participating.

The Taxpayer was represented at the hearing by Jean Gordon Carter, David Agosto, and C.B. McLean, Jr., attorneys at law. Also present at the hearing on behalf of the Taxpayer was Joseph A. Beggans, Director of State and Local Taxes. Kay Linn Miller Hobart, Assistant Attorney General, appeared on behalf of the Secretary of Revenue. Jack L. Harper, Assistant Secretary for Tax Administration and William H. Baker, then Director of the Corporate and Franchise Tax Division appeared on behalf of the Department of Revenue.

After the hearing, the Board members present took the matter under advisement pursuant to N.C.G.S. §105-241.2(b1). On October 21, 1996, a post hearing brief was filed with the Board on behalf of the Taxpayer. On November 20, 1996, a post hearing brief was filed with the Board on behalf of the Secretary of Revenue. On January 29, 1997, the Board reviewed the Petition, Briefs, Final Decision of the Secretary and the record of the matter in the proceeding before the Assistant Secretary.

The purpose of the Regular Tax Review Board is to provide administrative review to a Taxpayer from the Secretary of Revenue's decision sustaining the assessment of tax or additional tax pursuant to the North Carolina Revenue Laws. The scope of administrative review for a Petition filed with the Board is governed by N.C.G.S. §105-241.2(b2). N.C.G.S. §105-241.2(b2) states in pertinent part:

- (b2)"after conducting a hearing under this section, the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

THE REGULAR TAX REVIEW BOARD, having conducted a hearing in this matter and having reviewed the Petition, Briefs, Final Decision of the Secretary, record filed in this matter, and having carefully considered the arguments and contentions presented by counsel, rendered its decision as follows:

1. The relief requested by the Taxpayer is to amend or reinterpret Orders 350 and 351 of the Augmented Tax Review Board.
2. The authority of the Regular Tax Review Board does not extend to the powers to supersede the terms of the Augmented Tax Review Board's Orders issued under N.C.G.S. §105-130.4(t).
3. Any modification of Orders 350 and 351 can only be accomplished by the Augmented Tax Review Board sitting as such under the procedures established in N.C.G.S. §105-134.4(t).
4. The relief requested by the Taxpayer is strictly within the authority of the Augmented Tax Review Board and is not within the scope of administrative review of the Regular Tax Review Board.

5. The Taxpayer may, to the extent such relief is available, petition the Augmented Tax Review Board pursuant to N.C.G.S. §105-130.4(t).

THEREFORE IT IS ORDERED, that the Final Decision of the Assistant Secretary is **CONFIRMED**.

Entered this the 13th day of March, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Noel L. Allen, Appointed member

NOTE: At the time of the Board's deliberation in this matter, there existed a vacancy in the position of the Chairman of the Utilities Commission. Hugh A. Wells having retired from that position effective December 31, 1996, with the term of the new appointed Chairman to commence on February 1, 1997. Therefore, the members present at the January 29, 1997, meeting, proceeded with the deliberation of this matter and rendered the Board's decision.

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed assessment of Controlled Substance Excise
tax for possession of non-tax-paid Controlled Substance
dated August 13, 1992 against **TERRY LEE DOTSON**

**ADMINISTRATIVE
DECISION NUMBER: 328**

THIS MATTER was heard before the Tax Review Board on January 29, 1997, in the City of Raleigh, Wake County, North Carolina in the office of the State Treasurer. It involved the Petition for administrative review filed by Terry Lee Dotson (hereinafter "Taxpayer") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on September 13, 1995, sustaining a proposed assessment of controlled substance excise tax for possession of non-tax-paid controlled substance.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with duly appointed member, Noel L. Allen, attorney at Law participating.

Keith M. Stroud, attorney at law appeared at the hearing on behalf of the Taxpayer. Also present at the hearing were the Taxpayer and his parents Mr. and Mrs. Dotson. Christopher E. Allen, Assistant Attorney General, appeared on behalf of the Department of Revenue.

After the hearing, the Board reviewed the Petition, the Brief, the Final Decision and the record of the proceeding before the Assistant Secretary. The issue before the Board is whether the Assistant Secretary erred in sustaining the controlled substance excise tax issued August 13, 1992 including the penalty and interest imposed against the Taxpayer.

N.C.G.S. §105-113.105 et. seq. provides for the levy of an excise tax on persons (dealers) who possess a non-tax-paid controlled substance. The proposed assessment of the excise tax is presumed to be correct pursuant to N.C.G.S. §105-241.1(a), thus the burden is on the Taxpayer to overcome this presumption and rebut the assessment.

The purpose of this Board is to provide administrative review to a Taxpayer from the Secretary of Revenue's decision sustaining the assessment of tax or additional tax pursuant to the North Carolina Revenue Laws. The scope of administrative review for petitions filed with Board is governed by G.S. § 105-241.2. G.S. §105-241.2(b2) states in pertinent part:

- (b2)"after conducting a hearing under this section, the Board shall confirm, modify, reverse, reduce, or increase the assessment or decision of the Secretary."

THE BOARD HAVING REVIEWED THE PETITION AND RECORD MADE IN THE PROCEEDING AND HAVING CAREFULLY CONSIDERED THE MATTERS OF RECORD AND THE ARGUMENTS PRESENTED RENDERS THE FOLLOWING DECISION: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record; that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact; and that the decision by the Assistant Secretary sustaining the tax assessment was fully supported by the conclusions of law. From the record of this proceeding, there was a reasonable basis to presume that the Taxpayer was in possession of the controlled substance. Pursuant to N.C.G.S. § 105-241.1(a), the proposed assessment of the excise tax is presumed to be correct. The Taxpayer failed to provide evidence to overcome the presumption and rebut the assessment.

IT IS THEREFORE ORDERED, that the final decision of the Assistant Secretary entered on September 13, 1995, regarding this matter is **CONFIRMED** in every respect. If permitted under the North Carolina Revenue Laws, the Secretary may review the record to determine if an adjustment is necessary regarding the specific amount of the controlled substance at issue in this matter.

Entered this the 13th day of March, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Noel L. Allen, Appointed member

Note: At the time of this hearing, there existed a vacancy in the position of the Chairman to the Utilities Commission. The new Chairman had been named, but the effective date of the appointment would not commence until February 1, 1997. Officially, the new Chairman would not be an ex officio member of the Board until February 1, 1997. Therefore, the members who participated in the hearing proceeded with the deliberation of this matter and rendered a decision.

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed assessment of Controlled Substance Excise tax for possession of non-tax-paid Controlled Substance on July 10, 1995, by the Secretary of Revenue against
RODNEY LANE HOOKER

**ADMINISTRATIVE
DECISION NUMBER: 329**

THIS MATTER was heard before the Regular Tax Review Board (hereinafter "Board") on January 29, 1997, in the City of Raleigh, Wake County, North Carolina in the office of the State Treasurer for the purpose of conducting a hearing on the Petition of **Rodney Lane Hooker** (hereinafter "Taxpayer") which was filed with the Board on September 12, 1996, pursuant to the provisions of G.S. §105-241.2. The petition concerned administrative review of the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services (hereinafter "Assistant Secretary") entered on July 9, 1996, sustaining a proposed assessment of controlled substance excise tax for possession of non-tax-paid controlled substance for the period of July 10, 1995, assessed against the Taxpayer.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with duly appointed member, Noel A. Allen, attorney at Law participating.

Taxpayer and his attorney did not appear at the hearing. Christopher E. Allen, Assistant Attorney General, appeared at the hearing on behalf of the Department of Revenue.

After the hearing, the Board reviewed the Petition and the memorandum of law dated March 19, 1996, the Brief and the record of the proceeding before the Assistant Secretary. The issue before the Board is whether the Assistant Secretary erred in sustaining the controlled substance excise tax issued on July 10, 1995, including the penalty and interest imposed against the Taxpayer.

The purpose of this Board is to provide administrative review to a Taxpayer from the Secretary of Revenue's decision sustaining the assessment of tax or additional tax pursuant to North Carolina Revenue Laws. The scope of administrative review for Petitions filed with Board is governed by G.S. §105-241.2(b2). G.S. § 105-241.2(b2) states in pertinent part:

- (b2)"after conducting a hearing under this section, the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

On review, the Board determined that G.S. §105-113.105 et. seq. provides for the levy of an excise tax on persons (dealers) who possess a non-tax-paid controlled substance. A proposed assessment of the excise tax is presumed to be correct pursuant to G.S. § 105-241.1(a), thus the burden is on the Taxpayer to overcome this presumption and rebut the assessment.

The Board having conducted a hearing in this matter and having reviewed the Petition and memorandum of law, the brief, the record, the Assistant's Secretary's final decision and having considered the contentions of counsel rendered the following decision: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record; that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact; and that the decision by the Assistant Secretary sustaining the tax assessment was fully supported by the conclusions of law. From the record, there was a reasonable basis to presume that Taxpayer was in possession of the controlled substance. Pursuant to G.S. § 105-241.1(a), the proposed assessment of the excise tax is presumed to be correct.

IT IS THEREFORE ORDERED, that the Assistant Secretary's final decision sustaining the assessment is **CONFIRMED**.

Entered this the 13th day of March, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman
State Treasurer

/s/Noel L. Allen, Appointed member

Note: At the time of this hearing, there existed a vacancy in the position of the Chairman to the Utilities Commission. The new Chairman had been named, but the effective date of the appointment would not commence until February 1, 1997. Officially, the new Chairman would not be an ex officio member of the Board until February 1, 1997. Therefore, the members who participated in the hearing proceeded with the deliberation of this matter and rendered a decision.

An agency may choose to publish a rule-making agenda which serves as a notice of rule-making proceedings if the agenda includes the information required in a notice of rule-making proceedings. The agency must accept comments on the agenda for at least 60 days from the publication date. Statutory reference: G.S. 150B-21.2.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES**

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from April 15, 1997 through June 16, 1997:

Environmental Management Commission - to rules codified in 15A NCAC 2;
Marine Fisheries Commission - to rules codified in 15A NCAC 3;
Water Pollution Control System Operators Certification Commission - to rules codified in 15A NCAC 8; and
Commission for Health Services - to rules codified in 15A NCAC 13B and 19A.

DEHNR Regulatory Agenda Index - March 24, 1997

AIR QUALITY

APA #	SUBJECT	RULE CITATION #
E2203	Stage II Piping	15A NCAC 2D .0953
E2204	Monitoring and Modeling	15A NCAC 2D .1106, .0806, .2200 (New Section)
E2205	Construction and Operation Permit	15A NCAC 2Q .0300

EPIDEMIOLOGY/COMMUNICABLE DISEASES

APA #	SUBJECT	RULE CITATION #
H6611	Method of Reporting & Reportable Diseases and Conditions	15A NCAC 19A .0101, .0102
H6612	Control Measures - General/ Control Measures - Tuberculosis	15A NCAC 19A .0201 & .0205

MARINE FISHERIES

APA #	SUBJECT	RULE CITATION #
N1839	Fishery Resource Grant Program	15A NCAC 3I .0117 - Temporary Rule/Published in 4/15/97
N1841	Production requirements for leases and franchises	15A NCAC 3

WASTE MANAGEMENT

APA #	SUBJECT	RULE CITATION #
E2177	Household Hazardous Waste	15A NCAC 13B .1800

WATER QUALITY

APA #	SUBJECT	RULE CITATION #
E2176	Proposed Revisions to WS-IV (Water Supply) Ten-mile Protected Areas	15A NCAC 2B .0306, .0311, .0308, .0304, .0307, .0317, .0313, .0316, .0309
E2200	Certification of Operators of Water Pollution Control Systems	15A NCAC 8A-8F

DEHNR Regulatory Agenda - March 24, 1997

APA #: E2176

SUBJECT: Proposed Revisions to WS-IV (Water Supply) Ten-mile Protected Areas

RULE CITATION #: 15A NCAC 2B .0304, .0306, .0307, .0308, .0309, .0311, .0313, .0316, .0317

STATUTORY AUTHORITY: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

DIVISION/SECTION: WATER QUALITY

DIVISION CONTACT: Steve Zoufaly
DIVISION CONTACT TEL#: (919)733-5083
DATE INITIATED: 3/5/97
DURATION OF RULE: Permanent 8/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

The EMC was petitioned in early 1996 to interpret the definition of the Protected Area [rule 15A NCAC 2B .0202 (46)]. The question was raised whether the Protected Area boundary for WS-IV run-of-the-river water supplies should be measured either as ten miles "as-the-river-flows" or "linearly." On May 9, 1996, the EMC clarified the definition by stating that the "as-the-river-flows" method is the appropriate method in determining the Protected Area for WS-IV run-of-the-river water supplies. The EMC also directed DWQ staff to inform all local governments within WS-IV water supplies of the EMC's action and that they have the option of requesting a change in the designated Protected Area; and that petitions are requested to be submitted by October 1, 1996, to make the rule-making process as expeditious as possible.

The EMC stated that each proposed modification to the WS-IV Protected Area must go through the rule-making process. The EMC also stated that local water supply protection ordinances would remain in effect until reclassification.

Local governments within WS-IV ten-mile Protected Area water supplies were sent a letter of notification on June 4, 1996 of the EMC's interpretation decision. The letter instructed those local governments desiring to have the Protected Area boundaries within their jurisdiction revised, based on the EMC's interpretation, to submit a request to the Division by October 31, 1996. Twenty local government resolutions were received. Twelve resolutions were from counties and eight were from municipalities. The resolutions pertain to 30 of the 55 WS-IV water supplies with a ten-mile Protected Area. However, two of these 30 water supplies would not be affected due to their proximity (overlap of land area) to other WS-IV water supplies. In addition, one water supply is no longer in use. Finally, four of the 30 water supplies have "loops," in which the mainstem meanders in and out of the outer boundary of the Protected Area. The EMC specifically directed staff to bring the "looped" watersheds back to them for consideration.

Attached is a list of local governments that submitted a resolution. Also attached is a spreadsheet of the potentially affected WS-IV ten-mile Protected Area water supplies (included, for reference purposes, are the two water supplies whose Protected Area will not change due to their proximity to other water supplies). This database includes the water supply name, river basin name, local governments with jurisdiction in the water supply, whether the local government submitted a resolution, the percent of land area within the water supply the local government has jurisdiction over, the user of the water supply and a comment section. And, finally, attached are a tentative time schedule for rule making for revising the WS-IV ten-mile Protected Area boundaries, and a statewide map showing the relative location of each water supply.

On May 9, 1996, when the EMC debated the appropriate WS-IV ten-mile Protected Area boundary interpretation, an issue arose concerning those water supplies where the mainstem loops in and out of the outer Protected Area boundary. The EMC decided that the entire drainage area for waters draining to the portion of the mainstem that looped outside of the Protected Area should be included as part of the revised Protected Area. However, staff was instructed to bring this issue back to the EMC for further review. Staff have mapped the four water supplies with "looped" areas where requests for a change in the Protected Area were received and will bring these to the Water Quality Committee for their review.

Staff plans to request that the WQC review and confirm the appropriate methodology for applying the Protected Area for the "looped" WS-IV ten-mile Protected Area water supplies at the February meeting. Staff will also request permission to take the proposed reclassifications, including the "looped" water supplies, to the EMC at their March 1997 meeting. At this meeting, staff will request permission to proceed to public hearing. The intent of the hearings is to receive public comment on the proposed revisions to 27 WS-IV ten-mile Protected Area water supplies and the removal of the water supply classification for one watershed. If granted permission to proceed, then we expect public hearings to be held late this summer. If the revisions are approved by the EMC and the Rules Review Commission, and there are no objections from the members of the General Assembly, the effective date is expected to be August 1, 1998.

APA #: E2177

SUBJECT: Household Hazardous Waste
RULE CITATION #: 15A NCAC 13B .1800
STATUTORY AUTHORITY: G.S. 130A-294
DIVISION/SECTION: WASTE MANAGEMENT
DIVISION CONTACT: Joan Troy
DIVISION CONTACT TEL#: (919)733-0692
DATE INITIATED: 2/10/97
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The proposed rules are necessary to provide the regulated community with specific permitting and operating conditions for household hazardous waste collection facilities and conditionally exempt small quantity generators. The proposed rules are designed to ensure that household hazardous waste collection facilities that store household hazardous waste and conditionally-exempt small quantity generators of hazardous waste operate in an efficient and environmentally acceptable manner.

SCOPE/NATURE/SUMMARY :

The proposed rules (Section .1800) outline the requirements for the establishment and operation of facilities that collect and store household hazardous wastes and hazardous wastes from conditionally-exempt small quantity generators.

APA #: E2200

SUBJECT: Certification of Operators of Water Pollution Control Systems
RULE CITATION #: 15A NCAC 8A-8F
STATUTORY AUTHORITY: G.S. 90A-37; 90A-38; 90A-39; 90A-40; 90A-41; 90A-42; 90A-43; 90A-44; 90A-45; 90A-46;
90A-47

DIVISION/SECTION: WATER QUALITY
DIVISION CONTACT: Ron Ferrell
DIVISION CONTACT TEL#: (919)733-5083
DATE INITIATED: 3/6/97
DURATION OF RULE: Permanent 7/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

The rules promulgated by the Water Pollution Control System Operators Certification Commission (WPCSOCC) which govern the certification of operators of water pollution control systems were last amended in 1993. Since that time, the General Assembly has assigned the WPCSOCC the responsibility of developing and implementing a certification program for operators of animal waste management systems. The WPCSOCC adopted temporary rules for operators of animal waste management systems in December, 1996 with an effective date of January 7, 1997. The WPCSOCC must now initiate the permanent rule-making process for these temporary rules. In addition, there is a need to reorganize and clarify the existing WPCSOCC rules so that they are consistent with the new program and provide the information needed by current and future operators concerning the certification process. The WPCSOCC is proposing to incorporate the temporary rules into the existing rules found at 15A NCAC 8A-8E and to reorganize the existing rules, clarify certain components of the existing rules, and to amend and/or adopt rules to address changes that reflect the needs of the certification program and operators.

SCOPE/NATURE/SUMMARY :

The Water Pollution Control System Operators Certification Commission (WPCSOCC) is proposing to revise the rules found at 15A NCAC 8A-8E. The purpose of this rule-making initiative is to incorporate the temporary rules for certification of operators of animal waste management systems which were adopted in December, 1996 into the existing rules found at 15A NCAC 8A-8E and to revise the current rules. The purpose of the revision is to ensure consistency between the animal waste management system and the water pollution control system components of the program. In addition, revisions will be proposed that address changes that have occurred in the program during the 4 years since the last revision of the rules.

The WPCSOCC is not proposing any significant changes to the temporary rules for operators of animal waste

management systems except for incorporation into the existing permanent rules. The modifications proposed for the existing rules include the following: duties and requirements of certified operators; education and experience requirements for each level and type of certification; duties and requirements of contract operating firms; rating scale for classification of water pollution control systems; and revocation procedures.

The proposed modification to the existing WPCSOCC rules will have a potential to impact the approximately 6,000 currently certified operators and individuals that will seek initial certification while the rules are in effect. In addition, the modification may affect holders of the various permits that require certified operators. Although these individuals may be affected by these modifications, the impact of the modifications should not be significant.

APA #: E2203

SUBJECT: Stage II Piping

RULE CITATION #: 15A NCAC 2D .0953

STATUTORY AUTHORITY: G. S. 143-215.3(a)(1); 143-215.107(a); 150B-21.6

DIVISION/SECTION: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 3/3/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To change the minimum slope for Stage II piping from 1/4 inch to 1/8 inch.

SCOPE/NATURE/SUMMARY :

Rule 15A NCAC 2D .0953, Vapor Return Piping for Stage II Vapor Recovery, currently specifies a minimum grade of 1/4 inch per foot for vapor return pipes. The specifications contained in this rule are based on the standards established by the California Air Resources Board (CARB). CARB specifies a minimum slope of 1/8 inch per foot. Most tank installers are aware of the 1/8 inch per foot slope, but many do not seem aware of the 1/4 inch per foot slope. The proposed rule amendment would change the 1/4 inch slope requirement to 1/8 inch. This change of the slope would better serve both the facilities and the public since the use of non-CARB certified equipment would be minimized.

APA #: E2204

SUBJECT: Monitoring and Modeling

RULE CITATION #: 15A NCAC 2D .1106, .0806, .2200 (New Section)

STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a); 143-215.66

DIVISION/SECTION: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 3/3/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To prescribe general criteria for the Director of DAQ to follow when deciding to require the owner or operator of a facility to model that facility or to install and operate ambient monitoring sites around a facility.

SCOPE/NATURE/SUMMARY :

The air toxic rules contain a requirement for modeling and provide procedures and criteria that must be met for a valid modeling demonstration (15A NCAC 2D .1106, Determination of Ambient Air Concentration). The transportation facility rules contain criteria for the Director of DAQ to follow when deciding if modeling or ambient monitoring is needed for a transportation facility (15A NCAC 2D .0806, Ambient Monitoring and Modeling Analysis). The prevention of significant deterioration (PSD) rule, 15A NCAC 2D .0530, had monitoring and modeling criteria. However, the air quality rules do not contain any general monitoring or modeling criteria or procedures.

The proposed change being considered would specify criteria that the Director of DAQ would follow to decide if the owner or operator of a facility needs to model that facility or to establish and operate ambient monitoring sites around

that facility. It would also specify procedures that the owner or operator would need to follow and criteria that modeling and monitoring would have to meet.

The benefit of this change is that the owners or operators of facilities and the public would know under what conditions the owners or operators of facilities may have to do monitoring or modeling. They would also know what is expected of them if they are required to model or monitor.

APA #: E2205

SUBJECT: Construction and Operation Permit

RULE CITATION #: 15A NCAC 2Q .0300

STATUTORY AUTHORITY: G.S. 143-215.108

DIVISION/SECTION: AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 3/6/97

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED:

REASON FOR ACTION :

To incorporate into Section 15A NCAC 2Q .0300, Construction and Operation Permit, various protections and duties for permittees.

SCOPE/NATURE/SUMMARY :

The general permitting procedure rules in Section 15A NCAC 2Q .0300 lack some of the clarity contained in Section 15A NCAC 2Q .0500, Title V Procedures, concerning protection and duties of permittees. Some of these protections and duties need to be detailed in Section 15A NCAC 2Q .0300.

Language needs to be added clearly to allow terms and conditions of permits to be securable so that various permit requirements will continue to be valid in the event of a challenge to any other portion of the permit. This would allow a facility to continue to operate under those parts of its permit not being challenged while the disputed portion is being resolved. (The parts of the facility affected by the parts of the permit being challenged could not be operated under the challenged parts of the permit.)

Language needs to be added to allow an existing permit to remain in effect when the permittee has submitted an application to renew his permit but the Division has failed to act on the application before the existing permit expires. (This could occur if the applicant submits his renewal application late or if the Division does not act on the application within the time specified in the rules.) Such provision would allow the facility to be operated legally under the old permit, thereby keeping it from having to cease operation.

Language needs to be added to make clear that:

1. A permittee has a duty to comply with his permit and that noncompliance with any condition of the permit is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application;
2. A permittee may not use as a defense in an enforcement action that halting or reducing the permitted activity would have been necessary to maintain compliance with the conditions of the permit;
3. A permittee is obliged to furnish the Division, in a timely manner, any reasonable information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit;
4. An applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit, as soon as possible, such supplementary facts or corrected information.

Other items that need to be added include language that:

1. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition;
2. The permit does not convey any property rights of any sort, or any exclusive privileges.

The foregoing list is not an all inclusive list of items to add to Section 15A NCAC 2Q .0300. Other items and issues may also need consideration for inclusion.

APA #: H6611

SUBJECT: Method of Reporting & Reportable Diseases and Conditions
RULE CITATION #: 15A NCAC 19A .0101, .0102
STATUTORY AUTHORITY: G.S. 130A-134; 130A-135; 130A-138; 130A-139; 130A-141
DIVISION/SECTION: EPIDEMIOLOGY/COMMUNICABLE DISEASES
DIVISION CONTACT: Newt MacCormack
DIVISION CONTACT TEL#: (919)715-7394
DATE INITIATED: 2/21/97
DURATION OF RULE: Permanent 8/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

The current list of reportable diseases is being modified to reflect emerging areas of public health significance as well as to provide accurate information which will assist in the development of control measures to restrict the transmission of disease, will provide direction for efforts to combat potential drug resistant organisms, and will expand the base of knowledge used to facilitate epidemiologic monitoring and program development.

The method of reporting for public and private laboratories will be expanded to include important communicable disease information and to increase efficiency and timeliness of implementing control measures.

SCOPE/NATURE/SUMMARY :

15A NCAC 19A .0101 provides a listing of diseases and conditions which are declared to be dangerous to the public health and are made reportable within a specified time period after the disease is reasonably suspected to exist.

15A NCAC 19A .0102 describes the method by which reportable diseases and conditions are to be reported. This includes the time frame for reporting and appropriate use of supplementary surveillance forms.

APA #: H6612

SUBJECT: Control Measures - General / Control Measures - Tuberculosis
RULE CITATION #: 15A NCAC 19A .0201 & .0205
STATUTORY AUTHORITY: G.S. 130A-133; 130A-135; 130A-144; 130A-145; 130A-148(h)
DIVISION/SECTION: EPIDEMIOLOGY/COMMUNICABLE DISEASES
DIVISION CONTACT: James Jones
DIVISION CONTACT TEL#: (919)733-3082
DATE INITIATED: 2/21/97
DURATION OF RULE: Permanent 8/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

The changes in .0201 are technical changes and do not make substantive changes in the provisions of this rule. The name of the reference publication heretofore known as "Control of Communicable Diseases in Man" has been changed by the publisher to "Control of Communicable Diseases Manual" and this amended rule reflects this new name. Also, certain addresses and how to obtain the reference information have been modified in these proposed changes.

The proposed changes in .0205 are both technical and make substantive changes in the provisions of this rule. The changing patterns of TB prevalence and incidence and better understanding of how to detect and control the disease have led to new recommendations for control measures from national and state authorities. At times in the past, the requirements of certain control measures were not clear because the references cited in this rule as the source of control measures made recommendations rather than outlining the specific measures that needed to be taken to detect and control tuberculosis. This proposed rule requires that recommendation in the reference documents be considered control measures, except as otherwise provided in the rule. The other proposed changes to the rule are designed to clarify, to make technical changes, or to incorporate recent recommendations from the Centers for Disease Control and Prevention for detection and control of tuberculosis.

SCOPE/NATURE/SUMMARY :

15A NCAC 19A .0201 identifies the reference and how to obtain a copy of the reference for most of the control measures in Section .0200 of the rule. The rule also describes how the control measures should be applied to specific individuals with certain communicable conditions and how to apply isolation and quarantine measures.

15A NCAC 19A .0205 establishes requirements and control measures for the detection and control of tuberculosis in persons who have, or are suspected to have active disease; contacts to those persons; and persons without active disease who are suspected to have, or actually have tuberculosis infection. The rule also identifies the references and how to obtain a copy of the references which describe the requirements for detection and control of tuberculosis and how to apply the control measures outlined in this rule.

APA #: N1839

SUBJECT: Fishery Resource Grant Program

RULE CITATION #: 15A NCAC 3I .0117

STATUTORY AUTHORITY: G.S. 113-134; 113-190; 143B-289.4

DIVISION/SECTION: MARINE FISHERIES

DIVISION CONTACT: Juanita T. Gaskill

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 3/20/97

DURATION OF RULE: Temporary 3/14/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Legislative action (Chapter 633, House Bill 1077) transferred administration of the Fishery Resource Grant Program from the North Carolina Division of Marine Fisheries to the North Carolina Sea Grant Program. In order to administer the 1997 Grants, these Marine Fisheries Commission rules need to be amended to reflect these changes in administration.

SCOPE/NATURE/SUMMARY :

This rule outlines the purpose of the program, the types of projects for which funding will be considered, the requirements for eligibility, the procedures for review of proposals, the procedures for awarding of grants and for filing reports including the method of payment. The Fishery Resource Grant Program is currently funded at \$1 million annually.

APA #: N1841

SUBJECT: Production requirements for leases and franchises

RULE CITATION #: 15A NCAC 3

STATUTORY AUTHORITY: G.S. 113-134; 113-182; 113-221

DIVISION/SECTION: MARINE FISHERIES

DIVISION CONTACT: Juanita Gaskill

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 3/19/97

DURATION OF RULE: Permanent

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To change the measurement for production requirements for leases and franchises for clams from bushels to numbers; to define educational institution for the purposes of water column demonstration projects; to define bottom disturbing gear which is prohibited on leases and franchises; to define shrimp trawl, forklength for measurement of fish, and juvenile finfish and shrimp; amend the areas where pots may be used to allow for buffer zones for channels and basins marked by state or federal agencies for navigational purposes; establish proclamation authority for management of blueback herring, alewife, American shad and hickory shad; or adopt hook-and-line limits for blueback herring, alewife, American shad and hickory shad; adopt size limits for kingfish (sea mullet), spot, and Atlantic croaker to aid the definition of scrapfish; prohibit trawling at night in portions of New River and in the Ocean from Frying Pan Shoal to the South Carolina line; require immediate return of fish to waters where taken when they can not be legally retained; prohibit the use of gill nets less than a specified minimum size; restrict or prohibit the use of commercial gear near Cape Hatteras year-round; restrict ocean beach seines regarding weakfish harvest; and technical changes.

SCOPE/NATURE/SUMMARY :

Production requirements for leases and franchises; pot designated areas; blueback herring, alewife, American shad and hickory shad; kingfish (sea mullet), spot, Atlantic croaker, scrapfish; definitions for (1) forklenght, (2) bottom disturbing gear, (3) educational institution, (4) juvenile finfish and shrimp, and (5) shrimp trawl or trawling; use of commercial gear near Cape Hatteras; trawling in New River and in the Ocean from Frying Pan Shoal to the South Carolina line; immediate return of fish to water if illegal; required minimum mesh size for gill nets; restrictions on ocean beach seines; and technical changes.

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 13 - DEPARTMENT OF LABOR

CHAPTER 7 - OSHA

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Labor - Division of Occupational Safety and Health in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 13 NCAC 07A .0302. Additional rules may be amended to reference or conform to this rule.

Authority for the rule-making: G.S. 95-4; 95-131

Statement of the Subject Matter: The Division of Occupational Safety and Health (OSHNC) is preparing to submit amendment(s) that will clarify and update where copies of incorporated by reference material can be obtained and the cost of said copies.

Reason for Proposed Action: To clarify and update where copies of incorporated by reference material can be obtained and the cost of said copies.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Health and Safety (OSH) whether in favor of or opposed to any and all provisions of the proposal being noticed. Written comments, data, or other information relevant to this proposal must be submitted within 60 days (6/16/97). Written comments may be submitted to: Peggy D. Morris, Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432. Fax transmittals may be directed to (919) 662-4582.

CHAPTER 16 - MIGRANT HOUSING

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Labor - Division of Occupational Safety and Health in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the

Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 13 NCAC 16 .0102, .0201 - .0208, .0301 - .0303. Additional rules may be added during the rule-making process.

Authority for the rule-making: G.S. 95-4; 95-131

Statement of the Subject Matter: The Division of Occupational Safety and Health (OSHNC) is preparing to submit amendments to the Migrant Housing rules (13 NCAC 16) to provide a voluntary, self-inspection program to owners of migrant housing and to clarify enforcement, penalty and appeals procedures related to compliance with migrant housing rules.

Reason for Proposed Action: Proposed changes will fully implement a voluntary, self-inspection program for owners of migrant housing that has been experimentally implemented under the name Gold Star Grower. The program will recognize and encourage those owners of migrant housing that self-identify and eliminate hazards, while contributing to the efficient and economical operation of OSHNC. Clarifications regarding enforcement, penalty and appeals procedures are needed to specify when actions under the Migrant Housing Act will follow Occupational Safety and Health Act procedures and when they will differ.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Health and Safety (OSHNC) whether in favor of or opposed to any and all provisions of the proposal being noticed. Written comments, data, or other information relevant to this proposal must be submitted within 60 days (6/16/97). Written comments may be submitted to: Peggy D. Morris, Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432. Fax transmittals may be directed to (919) 662-4582.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the DEHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B .0304, .0306 - .0309, .0311, .0313, .0316 - .0317. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of several streams due to proposed revisions to WS-IV (water supply) ten-mile Protected Area boundaries. The potentially affected water supplies are: Broad River, Second Broad River (Forest City), Second Broad River, First Broad River, Deep River (Gulf-Goldston), Deep River (Lee County), Cape Fear River (Sanford), Cape Fear River (Lillington), Cape Fear River (Dunn), South Fork Catawba River (High Shoals), South Fork Catawba River (Lincolnton), South Fork Catawba River (Dallas/Ranlo), Hoyle Creek, French Broad River (Asheville), North Toe River, South Fork New River (Jefferson), Pasquotank River, Dan River (Madison), Mayo River, Tar River (Greenville), Tar River (Oxford), Tar River (Louisburg), Tar River (Tarboro), Yadkin River (Jonesville), Yadkin River (King), Yadkin River (Davie County), Yadkin River (Winston-Salem/lower), Yadkin River (Winston-Salem/upper), Yadkin River (Davidson County), Yadkin River (Salisbury), and South Yadkin River (Cooleemee).

Reason for Proposed Action: The Environmental Management Commission (EMC) was petitioned in early 1996 to interpret the definition of the Protected Area [rule 15A NCAC 2B .0202(46)]. The question was raised whether the Protected Area boundary for WS-IV run-of-the-river water supplies should be measured either as ten miles "as-the-river-flows" or "linearly." On May 9, 1996, the EMC clarified the definition by stating that the "as-the-river-flows" method is the appropriate method in determining the Protected Area for WS-IV run-of-the-river water supplies. The EMC stated that each proposed modification to the WS-IV Protected Area must go through the rule-making process. The EMC also stated that local water supply protection ordinances would remain in effect until reclassification. Local governments within WS-IV ten-mile Protected Area water supplies were sent a letter of notification on June 4, 1996 of the EMC's interpretation decision. The letter instructed those local governments desiring to have the Protected Area boundaries within their jurisdiction revised, based on the EMC's interpretation, to submit a request to the Division of Water Quality by October 31, 1996. Twenty-one local government resolutions were received. Thirteen

resolutions were from counties and eight were from municipalities. The resolutions affect 29 of the 55 WS-IV water supplies with a ten-mile Protected Area. The result of the proposed WS-IV ten-mile Protected Area boundary modifications will be that local governments having jurisdiction within the affected area will have the option of revising their area of coverage for water supply watershed protection. In general, less area will be affected. The area affected by state permitting requirements for landfills, residual application sites and wastewater dischargers will also potentially be reduced. Streams within the areas proposed for revision will be considered for reclassification. In general, mainstem waterbodies that are currently classified as WS-IV, that are within the Protected Area being considered for revision, will become WS-V, and most affected tributaries will become Class C. Affected tributaries classified B will remain Class B.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by June 16, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Steve Zoufaly, DEHNR/Division of Water Quality, Planning Branch, PO Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 566.

CHAPTER 3 - MARINE FISHERIES

Notice of Rule-making Proceedings is hereby given by the DEHNR - Marine Fisheries in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 3. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 113-134; 113-182; 113-221

Statement of the Subject Matter: Production requirements for leases and franchises; pot designated areas; blueback herring, alewife, American shad and hickory shad; kingfish (sea mullet), spot, Atlantic croaker, scarpfish; definitions for (1) forklength, (2) bottom disturbing gear, (3) educational institution, (4) juvenile finfish and shrimp, and (5) shrimp trawl or trawling; use of commercial gear near Cape Hatteras; trawling in New River and in the Ocean from

Frying Pan Shoal to the South Carolina line; immediate return of fish to water if illegal; required minimum mesh size for gill nets; restrictions on ocean beach seines; and technical changes.

Reason for Proposed Action: *To change the measurement for production requirements for leases and franchises for clams from bushels to numbers; to define educational institution for the purposes of water column demonstration projects; to define bottom disturbing gear which is prohibited on leases and franchises; to define shrimp trawl, forklenghth for measurement of fish, and juvenile finfish and shrimp; amend the areas where pots may be used to allow for buffer zones for channels and basins marked by state or federal agencies for navigational purposes; establish proclamation authority for management of blueback herring, alewife, American shad and hickory shad or adopt hook-and-line limits for blueback herring, alewife, American shad and hickory shad; adopt size limits for kingfish (sea mullet), spot and Atlantic croaker to aid the definition of scrapfish; prohibit trawling at night in portions of New River and in the Ocean from Frying Pan Shoal to the South Carolina line; require immediate return of fish to waters where taken when they can not be legally retained; prohibit the use of gill nets less than a specified minimum size; restrict or prohibit the use of commercial gear near Cape Hatteras year-round; restrict ocean beach seines regarding weakfish harvest; and technical changes.*

Comment Procedures: *Written comments may be submitted to the Marine Fisheries Commission, PO Box 769, Morehead City, NC 28557. Comments will be accepted through June 16, 1997.*

TITLE 19A - DEPARTMENT OF STATE TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Transportation - Division of Highways in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 19A NCAC 02B .0242. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 136-18(5); 136-18(1); 136-20

Statement of the Subject Matter: Rule proposed for adoption clarifies requirements for railroad crossings on

highways.

Reason for Proposed Action: A similar rule was repealed in error November 1, 1993. With the projected increase in rail travel, the Department must respond to safety of the traveling public at rail crossings.

Comment Procedures: Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, Department of Transportation, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

CHAPTER 2 - DIVISION OF HIGHWAYS

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Transportation - Division of Highways in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 19A NCAC 02B .0303. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 136-18(5); 136-30

Statement of the Subject Matter: Rule states conditions which must be met for a roadway to be designated as a North Carolina primary highway.

Reason for Proposed Action: Rule is proposed for amendment to conform to existing highway procedures.

Comment Procedures: Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, Department of Transportation, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 32 - BOARD OF MEDICAL EXAMINERS

Notice of Rule-making Proceedings is hereby given by the North Carolina Medical Board in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
21 NCAC 32H Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-514

Statement of the Subject Matter: *The North Carolina Medical Board proposes to amend appropriate sections of the Rules for Advanced Life Support (ALS) Programs (21 NCAC 32H) to implement recommendations of a statewide task force made up of ambulance providers, physicians, nurses, administrators, and EMS education specialists which has conducted an in depth study of existing rules, including input from public meetings. Issues addressed by the amendments include deletion of the EMT-Advanced Intermediate level of care; increased skill capability for the EMT-Defibrillation and EMT-Intermediate levels of care; wording to allow the*

use of Automatic External Defibrillators (AED) by first responder personnel; and clarification of the processes for appointment of ALS medical directors and administratively responsible sponsor hospitals.

Reason for Proposed Action: *These changes will better reflect the current trends in the abilities and certification levels of out-of-hospital EMS providers nationwide as well as the recommendations of EMS providers in North Carolina.*

Comment Procedures: *Persons who wish to make comment during the development of these rules should contact: Mr. Ed Browning, Assistant Chief - Education, North Carolina Office of Emergency Medical Services, PO Box 29530, Raleigh, NC 27626-0530, (919) 733-2285, (919) 733-7021.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNH - Marine Fisheries Commission intends to adopt rule 15A NCAC 3M .0514 and amend rules cited as 15A NCAC 3M .0503, .0506, .0507. Notice of Rule-making Proceedings was published in the Register on September 3, 1996 and December 16, 1996.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 7:00 p.m. on May 28, 1997 at the North Carolina Aquarium, Airport Road, Manteo, NC.

Reason for Proposed Action: For Rule 3M .0503 - The joint MAFMC-ASMFC Summer Flounder Fishery Management Plan contains a compliance requirement that states manage their annual quota without exceeding it. Establishment of a trip limit and the ability to close the season when 100% of the quota is taken is necessary in order to comply with these requirements. Compliance with requirements of fisheries management plans is also required by the Atlantic Coastal Fishery Cooperative Management Act. For Rule .0506 - The Black Sea Bass Fishery Management Plan has been amended to require compliance measures be instituted by states for waters north of Hatteras. Amendment of this rule to establish proclamation authority in order to assure compliance with this plan is necessary. Compliance with requirements of fisheries management plans is also required by the Atlantic Coastal Fishery Cooperative Management Act. For Rule 3M .0507 - The National Marine Fisheries Service adopted a rule, effective June 18, 1996, changing the size limit for yellowfin tuna to 27 inches. This federal rule pre-empts NC Marine Fisheries rule. The NC Marine Fisheries Commission feels the size limit should be enforced by National Marine Fisheries Service officers, rather than adopt a similar size limit. For Rule 3M .0514 - Recent approval of the Scup Fishery Management Plan by the Secretary of Commerce and the ASMFC requires North Carolina to implement several provisions in order to be in compliance. Adoption of this rule allows the Fisheries Director to take measures to assure compliance with this plan. Compliance with requirements of Fisheries Management Plans is also required by the Atlantic Coastal Fishery Cooperative Management Act.

Comment Procedures: Comments and statements, both

written and oral, may be presented at the hearing which will be at the NC Aquarium, Airport Road, Manteo, NC on May 28, 1997, beginning at 7:00 p.m. Written comments are encouraged and may be submitted to the Marine Fisheries Commission, PO Box 769, Morehead City, NC 28557. These written and oral comments must be received no later than June 2, 1997. Oral presentation lengths may be limited, depending on the number of people that wish to speak at the public hearing.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3M - FINFISH

SECTION .0500 - OTHER FINFISH

.0503 FLOUNDER

(a) It is unlawful to possess flounder less than 13 inches in length.

(b) Between October 1 and April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of the ocean beach from the North Carolina/Virginia state line (35° 33' N) to Cape Lookout (34° 36' N) unless each trawl has a cod end (tailbag) mesh length greater than 5 ½ inches diamond mesh (stretched) or 6 inches square mesh (stretched) applied throughout the cod end for at least 75 continuous meshes forward of the terminus (end) of the net, or the terminal one-third portion of a net, measured from the terminus of the cod end to the head rope for cod ends with less than 75 meshes, except as provided in Paragraphs (i) and (j) of this Rule.

(c) License to Land Flounder from the Atlantic Ocean:

- (1) It is unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic Ocean unless the vessel has been issued a License to Land Flounder from the Atlantic Ocean.
- (2) It is unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder taken from the Atlantic Ocean by a vessel that has not first procured a valid North Carolina License to Land Flounder from the Atlantic Ocean.
- (3) To qualify for a North Carolina License to Land Flounder from the Atlantic Ocean, a vessel shall have:

- (A) been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years, and
 - (B) landed in North Carolina at least 1,000 pounds of flounder each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, or 1994-95 license years for which the vessel was licensed to land in North Carolina.
- (4) At least 10 days prior to issuance, applicants for the license shall complete an application form provided by the Division of Marine Fisheries and submit it to the North Carolina Division of Marine Fisheries, Post Office Box 769, 3441 Arendell Street, Morehead City, North Carolina 28557. The following information is required:
- (A) Valid documentation papers or current motor boat registration or copy thereof;
 - (B) Proof of required licenses and flounder landings data for that vessel during the years the vessel was licensed.
- Licenses shall be issued to qualifying vessels at no fee and only from the Morehead City Office of the Division of Marine Fisheries.
- (5) Licenses may only be transferred:
- (A) with the transfer of the ownership of a vessel holding a License to Land Flounder from the Atlantic Ocean to the new owner of that vessel, or
 - (B) by the owner of a vessel to another vessel under the same ownership. The vessel owner is only eligible for the same number of Licenses to Land Flounder from the Atlantic Ocean for which his boats qualify,
 - (C) any transfer of license under this Paragraph must be facilitated through the Division of Marine Fisheries Morehead City Office only.
- (6) It is unlawful for any individual to land flounder from the Atlantic Ocean without having ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as specified in Subparagraph (c)(1) of this Rule.
- (7) Suspension or Revocation:
- (A) A License to Land Flounder from the Atlantic Ocean issued under this Rule shall be subject to suspension or revocation pursuant to the provisions of 15A NCAC 3P, except that this license shall be subject to revocation pursuant to the provisions of G.S. 113-166 when the licensee is convicted of a criminal offense within the jurisdiction of the Department under the provisions of Subchapter IV of G.S. 113, or of the rules of the Marine Fisheries Commission adopted under the authority of that Subchapter.
- (B) The Division may commence proceedings under 15A NCAC 3P, for suspension or revocation of a License to Land Flounder from the Atlantic Ocean if it finds:
 - (i) the license was obtained by providing any false information or willfully omitting required information when the information is material to the securing of the license; or
 - (ii) the license was falsified, fraudulently altered, or counterfeited; or
 - (iii) the licensee practices any fraud or deception designed to evade the provisions of this Rule or reasonable administrative directives made under the authority of this Rule or G.S. 113-182(b)(3).
- (d) It is unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.
- (e) It is unlawful to possess flounder less than 14 inches total length taken by hook-and-line or gig from the Atlantic Ocean.
- (f) It is unlawful to possess more than 8 flounder per person per day taken by hook-and-line or gig from the Atlantic Ocean.
- (g) Persons with a vessel endorsement to sell or a nonvessel endorsement to sell are exempt from the possession limit in Paragraphs (e) and (f) of this Rule.
- (h) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way could restrict the legal size mesh required by this Rule, shall not be used or possessed on the deck of a vessel in the Atlantic Ocean between October 1 and April 30 from the North Carolina/Virginia state line (36° 33' N) to Cape Lookout (34° 36' N).
- (i) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.
- (j) Flynets are exempt from the flounder trawl mesh requirements if they meet the following definition:
- (1) The net has large mesh in the wings that measure 8 inches to 64 inches;
 - (2) The first body section (belly) of the net has 35 or more meshes that are at least 8 inches; and
 - (3) The mesh decreases in size throughout the body of the net to as small as 2 inches or smaller towards the terminus of the net.
- (k) Season.
- (1) The North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 70 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fisheries Management Council-Atlantic States Marine Fisheries Commission Fishery Management Plan

for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.

- (2) The season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fisheries Management Council-Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fisheries Management Council-Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean. During the closed season, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.
- (3) During any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean. The season for landing flounder taken in the Atlantic Ocean shall reopen November 1.

(l) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fisheries Management Council-Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

.0506 SNAPPER-GROUPER

(a) The Fisheries Director may, by proclamation, impose any or all of the following restrictions in the fishery for species of the snapper-grouper complex listed in the South Atlantic Fishery Management Council Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region: Region and for sea bass north of Cape Hatteras in order to comply with or utilize conservation equivalency to comply with the management requirements incorporated in the Fishery Management Plan for Sea Bass developed cooperatively by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological

data.

The species of the snapper-grouper complex listed in the South Atlantic Fishery Management Council Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region is hereby incorporated by reference and copies are available at the Division of Marine Fisheries, P.O. Box 769, Morehead City, North Carolina 28557 at no cost.

(b) It is unlawful to possess black sea bass less than eight inches total length taken south of Cape Hatteras (35° 15' N, Latitude).

(c) It is unlawful to possess gag grouper (gray grouper) less than 20 inches total length.

(d) It is unlawful to possess black grouper less than 20 inches total length.

(e) It is unlawful to possess red snapper less than 20 inches total length.

(f) It is unlawful to possess red grouper less than 20 inches total length.

(g) It is unlawful to possess yellowfin grouper (fireback grouper) less than 20 inches total length.

(h) It is unlawful to possess scamp less than 20 inches total length.

(i) It is unlawful to possess yellowmouth grouper less than 20 inches total length.

(j) Greater amberjack:

(1) It is unlawful to possess greater amberjack less than 36 inches fork length except that persons fishing under the bag limit established in Subparagraph (2) of this Paragraph may possess a minimum 28 inch amberjack.

(2) It is unlawful to possess more than three greater amberjack per person per day.

(k) Vermilion Snapper:

(1) It is unlawful to possess vermillion snapper (beeliner) less than 12 inches total length except that persons fishing under the bag limit established in Subparagraph (2) of this Paragraph may possess 10 inch vermillion snapper.

(2) It is unlawful to possess more than 10 vermillion snapper per person per day taken for non-commercial purposes.

(l) It is unlawful to possess silk snapper (yelloweye snapper) less than 12 inches total length.

(m) It is unlawful to possess blackfin snapper (hambone snapper) less than 12 inches total length.

(n) It is unlawful to possess red porgy (pink or silver snapper) less than 12 inches total length.

(o) Speckled hind (Kitty Mitchell) and Warsaw grouper:

(1) It is unlawful to sell or offer for sale speckled hind or Warsaw grouper.

(2) It is unlawful to possess more than one speckled hind or one Warsaw grouper per vessel per trip.

(p) Combined Bag Limit for Snapper. It is unlawful to possess more than 10 vermillion snappers and 10 other species of snappers, of which no more than two may be red snapper, taken in any one day unless fishing aboard a vessel holding

a federal vessel permit for snapper-grouper authorizing the bag limit to be exceeded.

(q) Combined Bag Limit for Grouper:

- (1) It is unlawful to possess more than five grouper taken in any one day unless fishing aboard a vessel holding a federal vessel permit for snapper-grouper authorizing the bag limit to be exceeded.
- (2) Vessels holding a federal permit authorizing the bag limit to be exceeded may not possess more than one speckled hind or one Warsaw grouper.

(r) It is unlawful to possess Nassau grouper or jewfish.

(s) Fish Traps/Pots:

- (1) It is unlawful to use or have on board a vessel fish traps for taking snappers and groupers except sea bass pots as allowed in Subparagraph (2) of this Paragraph.
- (2) Sea bass may be taken with pots that conform with the federal rule requirements for mesh sizes and pot size as specified in 50 CFR Part 646.2 and openings and degradable fasteners specified in 50 CFR Part 646.22(c)(2)(i). Part 646-22(c)(2)(i) and rules published in 50 CFR Part 648.144 pertaining to sea bass north of Cape Hatteras (35° 15' N Latitude).

Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

.0507 RECREATIONAL FISHING RESTRICTIONS

(a) Blue marlin:

- (1) It is unlawful to possess blue marlin less than 86 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess more than one blue marlin per person per day.

(b) White marlin:

- (1) It is unlawful to possess white marlin less than 62 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess more than one white marlin per person per day.

(c) Sailfish:

- (1) It is unlawful to possess sailfish less than 57 inches in length from the lower jaw to the fork in the tail.
- (2) It is unlawful to possess more than one sailfish per person per day.

(d) Cobia:

- (1) It is unlawful to possess cobia less than 33 inches for length taken by hook-and-line.
- (2) It is unlawful to possess more than two cobia per person per day taken by hook-and-line.

(e) Dolphin:

- (1) It is unlawful to possess more than 10 dolphin per person per day.
- (2) Exemptions:
 - (A) Charter vessels with a valid National Marine Fisheries Service Charter Vessel Coastal Migratory Pelagic Permit and

licensed by the U.S. Coast Guard to carry six or less passengers for hire, may possess a maximum of 60 dolphin per day regardless of the number of people on board.

- (B) Vessels with a valid commercial National Marine Fisheries Service Federal Coastal Migratory Pelagic Permit including charterboats when fishing with three or less persons (including captain and mate) on board are exempt from the creel limits set out in Subparagraph (e)(1) of this Rule.

~~(f) It is unlawful to possess yellowfin tuna less than 22 inches fork length taken by hook and line.~~

Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

.0514 SCUP (PORGIE)

In order to comply with or utilize conservation equivalency to comply with the management requirements incorporated in the Fishery Management Plan for Scup developed cooperatively by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions in the scup fishery:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

Authority G.S. 113-134; 113-182; 113-221; 143B-289.4.

**TITLE 19A - DEPARTMENT OF
TRANSPORTATION**

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Department of Transportation - Division of Highways intends to amend rules cited as 19A NCAC 2B .0164 and 2D .0415. Notice of Rule-making Proceedings was published in the Register on January 15, 1997.

Proposed Effective Date: August 1, 1998

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): A demand for a public hearing must be made in writing and mailed to Emily Lee, N.C. Dot, PO Box 25201, Raleigh, NC 27611. The Demand must be received within 15 days of this Notice.

Reason for Proposed Action:

19A NCAC 2B .0164 - The proposed amendments shorten the time required to complete right of way consultant

contract process. The amended process will be simpler and similar to the highway construction contract process.

19A NCAC 2D .0415 - Rule is proposed for amendment to change scheduled openings on SR 1172 over the Intracoastal Waterway at Sunset Beach.

Comment Procedures: Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, NC DOT, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2B - HIGHWAY PLANNING

SECTION .0100 - RIGHT OF WAY

.0164 USE OF RIGHT OF WAY CONSULTANTS

(a) Introduction and purpose. The North Carolina Department of Transportation maintains a staff capable of performing the normal workload for most of the functions required for the acquisition of rights of way for our highway ~~systems~~ system. However, it is recognized that situations arise and certain specific needs exist which can best be met by the use of qualified consultants outside the Department. This Rule is established for the preparation, execution and administration of contracts for right of way acquisition services by consultant firms that are over ten thousand dollars (\$10,000.00). Due to the diversity of contract types, some portions of this Rule may not be fully applicable to all situations. The Right of Way Branch Manager shall be responsible for determining when waivers from portions of this Rule are justified. Guidelines for determining if a waiver is justified shall include:

- (1) Emergency situation exists that affects the health and safety of the traveling public.
- (2) Availability of pre-qualified firms willing to perform specified work according to the Department's schedule.

(b) The following are incorporated by reference including any subsequent amendments or editions:

- (1) General Statute 136-28.1(f) and General Statute 130A-444 thru General Statute 130A-451.
- (2) 23 CFR 710-720, FHWA right of way regulations which contain some contracting requirements.
- (3) 49 CFR 18.36, USDOT contracting regulations.

These documents are available for public inspection in the office of the Right of Way Branch. Copies may be obtained

from the Right of Way Consultant Coordinator at a cost of five dollars (\$5.00) for each document.

(c) Definitions. The following definitions are for the purpose of clarifying and describing words and terms used in this section:

- (1) Right of Way Consultant Coordinator - The individual who is assigned the responsibility of initiating, negotiating, and administering a contract for professional or specialized services.
- (2) Cost per Unit of Work - A method of compensations based on an agreed cost per unit of work including actual costs, overhead, payroll additives and operating margin.
- (3) Cost Plus Fixed Fee - A price based on the actual allowable cost, including overhead and payroll additives, incurred by the firm performing the work plus a pre-established fixed amount for operating margin.
- (4) Cost Proposal - A detailed submittal specifying the amount of work anticipated and compensation requested for the performance of the specific work or services as defined by the Department.
- (5) Firm - Any private agency, firm, organization, business or individual offering qualified right of way acquisition services.
- (6) Lump Sum - A fixed price, including cost, overhead, payroll additives and operating margin for the performance of specific work or services.
- (7) Payroll Burden - Employer paid fringe benefits including ~~employers~~ employer's portion of F.I.C.A., comprehensive health insurance, group life insurance, unemployment contributions to the State, vacation, sick leave, holidays, workers' compensation and other such benefits.
- (8) Proposal - An offer by a firm to perform specific work or services for the Department at specified rates of compensation.
- (9) Scope of Work - All services, actions and physical work required by the Department to achieve the purpose and objectives defined in the contract. Such services may include the furnishing of all required labor, equipment, supplies and materials except as specifically stated.
- (10) Contract Amendment - A written supplement to the contract which modifies the terms of an existing contract.
- (11) Termination Clause - A contract provision which allows the Department to terminate, at its discretion, the performance of work, in whole or in part, and to make final payment in accordance with the terms of the contract.
- (12) Right of Way Consultant Selection Committee - The Committee shall consist of the Branch Manager, Assistant Branch ~~Managers~~, Manager, Unit Heads, and the Right of Way Consultant Coordinator or their designated representatives and shall be chaired by the Branch Manager. When

Federal funds will be used as compensation for services to be solicited, a representative of the Federal Highway Administration shall sit with the Committee but shall not be a voting ~~members-~~ member.

(d) Application. This Rule shall apply to all contracts for right of way acquisition services which cost more than ten thousand dollars (\$10,000.00) and are obtained by the Department of Transportation pursuant to G.S. 136-28(f).

(e) Pre-qualification of firms. ~~firm - general agreement.~~ The Department shall advertise for firms interested in performing right of way acquisition services for the North Carolina Department of Transportation ~~in June of each year~~ or when necessitated by its projected workload. The advertisement shall be published in the North Carolina Purchase Directory, a bi-monthly publication of the N.C. Department of Administration. The advertisement shall indicate that interested firms must respond by letter to the Department indicating their interest within two weeks of the date of the advertisement. The response shall include the Federal Government's Government Accounting Office Forms 254 and 255, and copies of the firms latest brochures. Additional firms may be considered for pre-qualification ~~during the yearly period if they so request and if at any time~~ that the Department recognizes a need based on current projected workload for additional pre-qualified firms. Evaluation of the firms expressing interest will be based on the following considerations:

- (1) Experience, education, reputation, and required certifications of staff in the fields of expertise required by the contract including negotiations, appraisals, and relocation assistance;
- (2) Number of staff available to perform the services required by the contract including negotiations, appraisals, and relocation assistance;
- (3) Financial ability to undertake the proposed work;
- (4) The firm's accounting system including ability to identify costs chargeable to the project;
- (5) Past performance by the firm on previous Right of Way acquisition contracts including meeting the time schedule for the work;
- (6) Equipment necessary to perform the required services.

A number of firms sufficient to perform the anticipated workload that meet the qualifications in ~~Paragraphs Subparagraphs~~ (e)(1) through (e)(6) of this Rule shall be designated as pre-qualified to perform right of way acquisition services for the North Carolina Department of Transportation. The number of pre-qualified firms to be maintained ~~under General Agreement on the Department's pre-qualified list~~ shall be determined by the Manager of the Right of Way Branch. ~~Branch prior to the advertising based on the anticipated needs of the Department. A General Agreement shall be executed with each firm for a term covering the following year after review and~~

~~acceptance of fixed billable rates by the Fiscal Section. Additional firms pre-qualifying during the yearly period shall execute a General Agreement for the remainder of the yearly period. Should the term of a General Agreement pass without utilizing any of the pre-qualified firms under that Agreement on any Specific Projects, the Department may extend the term of the General Agreements for an additional year without advertising for additional pre-qualified firms. This is to be accomplished by execution of a Supplemental Agreement which provides for changes to the Fixed Billable Rates subject to audit approval of the Fiscal Section of the Department.~~

~~(f) Fixed billable rates. The annual General Agreement will not be executed until the fixed billable rates submitted as Appendix E to the General Agreement have been reviewed by the External Audit Branch of the Department's Fiscal Section. The review will verify the accuracy of the proposed fixed billable rates based upon an examination of the average wage rates by employee classifications, overhead rates, as well as limitations on compensation and indirect salaries, wages and fringe benefits.~~

~~In order to perform the examination of Appendix E rates, the firm will be required to submit an analysis showing the computation of the average wage rate per classification with supporting documentation for the salary and wage rates used (i.e., payroll register, check stubs, etc.).~~

~~(g) (f) Register of pre-qualified firms. The Right of Way Consultant Coordinator shall be responsible for maintaining a "Register of Pre-Qualified Firms" which have executed a General Agreement from whom specific project proposals may be solicited to perform right of way acquisition services for the North Carolina Department of Transportation - Right of Way Branch.~~

~~(h) (g) Request for approval to solicit specific project proposals. The Right of Way Consultant Selection Committee through the Manager of Right of Way is responsible for determining when the need for right of way acquisition services exists. Upon determining that a need exists, the Committee shall request approval from the Branch Manager to solicit proposals for the work.~~

The request shall be in writing and shall include the type of work and specific justification for the work being performed by a consultant firm such as:

- (1) non-availability of manpower,
- (2) lack of expertise, or
- (3) other reasons.

~~(i) (h) Solicitations of specific project proposals. Specific Project Proposals shall be solicited from all Pre-Qualified Firms. Solicitations shall be by direct mailing of plans and Specific Project Proposal.~~

The Right of Way Consultant Coordinator, upon the approval of the Manager of Right of Way, shall be responsible for preparing the requests for proposals. The request shall contain plans and information describing the location of the project, types and scope of work required, and the time

schedule for accomplishing the work.

The solicitation for a Specific Project Proposal shall require that all firms shall attend a Scoping Meeting on a specified date in order to qualify to submit a Specific Project Proposal for consideration. Any firm that does not wish to submit a Specific Project Proposal on a particular project shall advise, in writing, the Manager of Right of Way of their decision not to submit a Specific Project Proposal for that project.

(j) (i) Selection of firm for specific project contract. The Right of Way Consultant Selection Committee shall review all responses received to the request for proposals and shall select three firms from those indicating interest (except when there are fewer than three responses). When several projects are under consideration at the same time, a firm shall be selected for each project and two alternates may be selected from the entire group, at the discretion of the Selection Committee. These firms shall be listed in descending order of preference based on the Selection Committee's review and analysis of all responses. The Committee may elect to interview all or part of the firms responding to the request for proposal prior to establishing the order of preference. The Selection Committee's file shall be documented as to the reasons for the selection of a firm.

In the evaluation of the firms submitting Specific Project Proposals, the following factors shall be considered:

- (1) The monetary amount of the competitive proposal;
- (2) The firm personnel who are currently available to perform right of way acquisition services on the specific project and their qualifications; and
- (3) The ability of the firm to complete the work according to the Department's schedule.

Any firm selected to perform Right of Way Services for the North Carolina Department of Transportation shall be required to establish an office in North Carolina, and may, at the discretion of the Department, be required to establish the office at the location of the project. This office shall be the location for maintaining all project records open for review by appropriate Department personnel.

After the authorization to proceed to negotiations is given by the Branch Manager, the Right of Way Consultant Coordinator shall notify the firm chosen by the Selection Committee.

(k) (i) Negotiation of specific project contract. Prior to receiving a specific project proposal, the Right of Way Consultant Coordinator shall prepare an estimate of the cost of performing the work in-house. This estimate will be used in evaluating the acceptability of the selected firm's cost proposal.

If considered necessary by the Right of Way Consultant Coordinator a meeting with the selected firm may be scheduled to discuss the scope of the proposed work. The discussions will vary depending upon the firm's familiarity with the Department's methods, policies, standards, etc. For firms unfamiliar with the Department's requirements, the discussions shall include:

- (1) Policies used by the Department for the type and scope of work involved;

- (2) A copy of a contract in draft form;
- (3) Methods of payment;
- (4) Procedures for invoicing;
- (5) Standard forms to be used;
- (6) Fiscal requirements;
- (7) Items and services to be provided by the Department.

A representative of the firm shall keep minutes of the meeting, have them typed and submit a copy to the Right of Way Consultant Coordinator. The minutes shall be reviewed for completeness, accuracy and confirmation of mutual understanding of the scope of work. The minutes shall be approved by the signature of the Right of Way Consultant Coordinator and an approved copy will be returned to the firm.

The firm's competitive cost proposal shall be supported by a breakdown of the manhours required to perform each of the services contained in the contract and the fixed billable rate for each of the classifications of personnel to be utilized. The fixed fee must be specifically broken out on the firm's specific project cost proposal. The firm's cost proposal must also include a detailed breakdown of all non-salary direct costs and any sub-contract or fee services.

Upon receipt of the selected firm's cost proposal, a review will be made. The review shall include a comparison with the in-house estimate and is intended to determine both the reasonableness of the proposal and areas of substantial differences which may require further discussion and negotiation. ~~Where~~ When further negotiations are required, they shall be the responsibility of the Right of Way Consultant Coordinator.

The final negotiations shall satisfactorily conclude all remaining points of difference and shall consider any comments submitted by the External Audit Unit. The Right of Way Consultant Coordinator with the concurrence of the Manager of Right of Way shall approve the final fee.

If an acceptable contract cannot be negotiated, negotiations shall be terminated, the firm will be notified in writing and the next listed firm shall be contacted to initiate negotiations for the work.

(l) (k) Board of Transportation approval and execution of contract. After final negotiations are completed, the firm shall execute a minimum of two contract originals and submit them to the Consultant Coordinator.

The Consultant Coordinator shall submit the contract to the State Highway Administrator who may consult with the Advisory Budget Commission pursuant to G.S. 136-28.1(f). The Manager of Right of Way shall submit the proposed contract to the Board of Transportation for approval. After the Board of Transportation approves the contract, the Manager of Right of Way shall execute and return the contract to the Right of Way Consultant Coordinator.

The Right of Way Consultant Coordinator shall transmit one original contract to the contracting firm and shall retain one in the project file. The Consultant Coordinator shall provide each of the following with a copy of the contract: the Manager of DOT Program and Policy Branch; DOT Fiscal

Section; and Federal Highway Administration when federal-aid funds are involved.

(m) (l) Sub-contracting. A contracting firm may sublet portions of the work proposed in the contract only upon approval of the Right of Way Consultant Coordinator.

The responsibility for procuring a subcontractor and assuring the acceptable performance of the work lies with the prime contractor. Also, the prime contractor will be responsible for submitting the proper supporting data to the Contract Administrator for all work that is proposed to be sublet.

(m) (m) Methods of compensation:

- (1) Lump Sum - This method of compensation is suitable for contracts where the amount and character of required work or services can be clearly defined and understood by both the Department and the contracting firm.
- (2) Cost Plus Fixed Fee - This method of compensation is suitable for contracts where the general magnitude of work is known but the scope of work or period of performance cannot be defined clearly and the Department needs more flexibility in expediting the work without excessive amendments to the contract.
- (3) Cost Per Unit of Work - This method of compensation is suitable for contracts where the magnitude of work is uncertain but the character of work is known and a cost of the work per unit can be determined accurately.
- (4) Cost Plus a Percentage of Cost - This method of compensation shall not be used.

(n) (n) Administration of contract. The administration of the contract shall be the responsibility of the Right of Way Consultant Coordinator. This shall include the review of invoices and recommendation for payment to the Fiscal Section.

(o) (o) Contract Amendments. Each contract shall contain procedures for contract modifications and define what changes can only be made by means of a contract amendment.

Any change in the amount of compensation must be accomplished by contract amendment. For contracts which use federal funds as compensation for services, the contract amendment must be approved by the Federal Highway Administration.

(p) (p) Monitoring of work. The responsibility for monitoring the work, the schedule and performing reviews at intermediate stages of the work shall rest with the Right of Way Consultant Coordinator.

(q) (q) Final payment. When it is determined that the work is complete, the final invoice shall be approved by the Right of Way Consultant Coordinator and forwarded to the Fiscal Section with a recommendation for payment. When the contract is terminated by the Department, the final payment shall be for that portion of work performed.

(r) (r) Termination of contracts. All contracts shall include a provision for the termination of the contract by the Department. Such termination by the Department shall be

in writing and shall be effective upon receipt by the contracting firm.

Authority G.S. 136-28.1(f).

SUBCHAPTER 2D - HIGHWAY OPERATIONS

SECTION .0400 - FIELD OPERATIONS - MAINTENANCE AND EQUIPMENT

.0415 GENERAL REGULATIONS FOR DRAWBRIDGES

(a) This Rule governs operation of drawbridges in North Carolina. All other drawbridges not specifically noted in this Rule operate under normal Coast Guard regulations which give preference to water-borne traffic. For purposes of this Rule, the term on signal means the boat operator sounds his signal as defined by standard navigational practices.

(b) The draw on the bridge on US 17 over the Neuse River at New Bern shall open on signal except that the draw may remain closed from Monday through Friday from 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass. The draw may remain closed on Sundays and Federal holidays from May 24 through September 8 from 2:00 p.m. to 7:00 p.m. for pleasure vessels except that the draw shall open at 4:00 p.m. and 6:00 p.m. for any vessels waiting to pass. The draw on this bridge shall always open on signal for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

(c) The draw on the bridge on US 70 Business over the Trent River at New Bern shall open on signal except that the draw may remain closed from Monday through Friday from 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass. The draw may remain closed on Sundays and Federal holidays from May 24 through September 8 from 2:00 p.m. to 7:00 p.m. for pleasure vessels except that the draw shall open on the hour and half hour for any vessels waiting to pass. The draw on this bridge shall always open on signal for public vessels of the United States, State, or local vessels used for public safety, tugs with tows, and vessels in distress.

(d) The draw on the US 17B/Perquimans River Bridge at Hertford shall open on signal except that from midnight to 8:00 a.m. from April 1 through September 30, and from 10:00 p.m. through 10:00 a.m., from October 1 through March 31, the draw shall not open for the passage of vessels.

(e) The bridge on US 17 over the Pamlico River at Washington shall open only upon 24-hour advance notice.

(f) The bridge on SR 1565 over the Tar River at Grimesland shall open only upon 24-hour advance notice.

(g) The bridge on US 117-NC 133 over Smith's Creek just north of Wilmington shall open only upon 24-hour advance notice.

(h) The draw on the bridge on US 70 over Beaufort

Channel in Beaufort shall open on signal except that from 6:00 a.m. to 10:00 p.m. the draw shall open for all vessels on signal every hour on the hour, 20 minutes past the hour, and 40 minutes past the hour.

(i) The draw on the NC 50/Intracoastal Waterway Bridge at Surf City shall open on signal, except that from 7:00 a.m. to 7:00 p.m. the draw shall open for pleasure craft if signaled only on the hour.

(j) The draw on the bridge on US 74/76 over Intracoastal Waterway at Wrightsville Beach shall open on signal, except that from 7:00 a.m. to 7:00 p.m. the draw shall open for pleasure craft if signaled only on the hour.

(k) The draw on the bridge on SR 1172 over Intracoastal Waterway at Sunset Beach shall open on signal, ~~except that from 7:00 a.m. to 7:00 p.m. the draw shall open for pleasure craft if signaled on the hour from April 1 to November 30.~~ the hour on signal for pleasure craft between 7:00 a.m. and 7:00 p.m., April 1 through November 30, except that on Saturdays, Sundays, and Federal holidays, from June 1 through September 30 the draw shall open on the hour on signal for pleasure craft between 7:00 a.m. and 9:00 p.m.

Authority G.S. 136-18(5).

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

Rule-making Agency: *DHR-Division of Medical Assistance*

Rule Citation: *10 NCAC 26H .0213*

Effective Date: *April 15, 1997*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 108A-25(b); 108A-54; 108A-55; 42 C.F.R. 447, Subpart c*

Reason for Proposed Action: *This change is necessary to ensure the continuing availability of an adequate level of services to Medicaid and uninsured persons.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by May 15, 1997 to Portia Rochelle, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

**SECTION .0200 - HOSPITAL INPATIENT
REIMBURSEMENT PLAN**

.0213 DISPROPORTIONATE SHARE HOSPITALS

(a) Hospitals that serve a disproportionate share of low-income patients and have a Medicaid inpatient utilization rate of not less than one percent are eligible to receive rate adjustments. The cost report data and financial information that is required in order to qualify as a disproportionate share hospital effective April 1, 1991 is based on the fiscal year ending in 1989 for each hospital, as submitted to the Division of Medical Assistance on or before April 1, 1991. The cost report data and financial information to qualify as a disproportionate share hospital effective July 1, 1991 is based on the fiscal year ending in 1990 for each hospital, as submitted to the Division of Medical Assistance on or before September 1, 1991. In subsequent years, qualifications effective July 1 of any particular year are based on each hospital's fiscal year ending in the preceding calendar year. The patient days, costs, revenues, or charges related to nursing facility services, swing-bed services, home health services, outpatient services, or any other service that is not a hospital inpatient service cannot be used to qualify for disproportionate share status. A hospital is deemed to be a disproportionate share hospital if:

- (1) The hospital has at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals eligible for Medicaid. In the case of a hospital located in a rural area, the term obstetrician includes any physician with staff privileges at the hospital to perform non-emergency obstetric services as of December 21, 1987 or to a hospital that predominantly serves individuals under 18 years of age; and
- (2) The hospital's Medicaid inpatient utilization rate, defined as the percentage resulting from dividing Medicaid patient days by total patient days, is at least one standard deviation above the mean Medicaid inpatient utilization rate for all hospitals that receive Medicaid payments in the state; or
- (3) The hospital's low income utilization rate exceeds 25 percent. The low-income utilization rate is the sum of:
 - (A) The ratio of the sum of Medicaid inpatient revenues plus cash subsidies received from the State and local governments, divided by the hospital's total patient revenues; and
 - (B) The ratio of the hospital's gross inpatient charges for charity care less the cash subsidies for inpatient care received from the State and local governments divided by the hospital's total inpatient charges; or
- (4) The sum of the hospital's Medicaid revenues, bad debts allowance net of recoveries, and charity care exceeds 20 percent of gross patient revenues; or
- (5) The hospital, in ranking of hospitals in the State, from most to least in number of Medicaid patient days provided, is among the top group that accounts for 50 percent of the total Medicaid patient days provided by all hospitals in the State; or
- (6) It is a Psychiatric hospital operated by the North Carolina Department of Human Resources, Division of Mental Health, Developmental Disabilities, Substance Abuse Services (DMH/DD/SAS) or UNC Hospitals operated by the University of North Carolina.
 - (b) The rate adjustment for a disproportionate share hospital is 2.5 percent plus one fourth of one percent for each percentage point that a hospital's Medicaid inpatient utilization rate exceeds one standard deviation of the mean Medicaid inpatient utilization rate in the State. The rate adjustment is applied to a hospital's payment rate exclusive of any previous disproportionate share adjustments:
 - (c) An additional one time payment for the 12-month period ending September 30, 1995, in an amount determined

by the Director of the Division of Medical Assistance, may be paid to the Public hospitals that are the primary affiliated teaching hospitals for the University of North Carolina Medical Schools less payments made under authority of Paragraph (d) of this Rule. The payment limits of the Social Security Act, Title XIX, Section 1923(g)(1) applied to this payment require that when this payment is added to other Disproportionate Share Hospital payments, the additional disproportionate share payment will not exceed 100 percent of the total cost of providing inpatient and outpatient services to Medicaid and uninsured patients less all payments received for services provided to Medicaid and uninsured patients. The total of all payments may not exceed the limits on DSH funding as set for the State by HCFA.

(d) Effective July 1, 1994, hospitals eligible under Subparagraph (a)(6) of this Rule shall be eligible for disproportionate share payments, in addition to other payments made under the North Carolina Medicaid Hospital reimbursement methodology, from a disproportionate share pool under the circumstances specified in Subparagraphs (1), (2) and (3) of this Paragraph.

(1) An eligible hospital will receive a monthly disproportionate share payment based on the monthly bed days of services to low income persons of each hospital divided by the total monthly bed days of services to low income persons of all hospitals items allocated funds.

(2) This payment shall be in addition to the disproportionate share payments made in accordance with Subparagraphs (a)(1) through (5) of this Rule. However, DMH/DD/SAS operated hospitals are not required to qualify under the requirements of Subparagraphs (a)(1) through (5) of this Rule.

(3) The amount of allocated funds shall be determined by the Director of the Division of Medical Assistance, but not to exceed the quarterly grant award of funds (plus appropriate non-federal match) earmarked for disproportionate share hospital payments less payments made under Subparagraphs (a)(1) through (5) divided by three.

In Subparagraph (d)(1) of this Rule, bed days of services to low income persons is defined as the number of bed days provided to individuals that have been determined by the hospital as patients that do not possess the financial resources to pay portions or all charges associated with care provided.

Low income persons include those persons that have been determined eligible for medical assistance. The count of bed days used to determine payment is based upon the month immediately prior to the month that payments are made.

Disproportionate share payments to hospitals are limited in accordance with The Social Security Act as amended, Title XIX section 1923 (g), limit on amount of payment to hospitals.

(e) Subject to the availability of funds, hospitals that: qualify as disproportionate share hospitals under Subparagraphs (a)(1) through (5) of this Rule for the fiscal

years ended September 30, 1995 and September 30, 1996; operate Medicare approved graduate medical education programs for the fiscal years ended September 30, 1995 and September 30, 1996; and incur for the 12-month period ending September 30, 1996 unreimbursed costs (calculated without regard to payments under either this Paragraph or Paragraph (f) of this Rule) for providing inpatient and outpatient services to uninsured patients in an amount in excess of two million five hundred thousand dollars (\$2,500,000) shall be eligible for disproportionate share payments for such services from a disproportionate share pool under the circumstances specified in Subparagraphs (1) through (7) of this Paragraph.

(1) Qualification for the 12 month period ending September 30, 1996 shall be based on cost report data and uninsured patient data certified to the Division by hospitals on or before September 23, 1996 for fiscal years ending in 1995, in connection with the disproportionate share hospital application process. Qualification for subsequent 12 month periods ending September 30 of each year shall be based on cost report data and uninsured patient data certified to the Division by hospitals on or before September 1 of each subsequent year, for the fiscal year ending in the preceding calendar year.

(2) Any payments made pursuant to this Paragraph shall be calculated and paid no less frequently than annually, and prior to the calculation and payment of any disproportionate share payments pursuant to Paragraph (f) of this Rule.

(3) For the 12 month period ending September 30, 1996 a payment shall be made to each qualified hospital in an amount determined by the Director of the Division of Medical Assistance based on a percentage (not to exceed a maximum of 23 percent) of the unreimbursed costs incurred by each qualified hospital for inpatient and outpatient services provided to uninsured patients.

(4) In subsequent 12 month periods ending September 30th of each year, the percentage payment shall be ascertained and established by the Division by ascertaining funds available for payments pursuant to this Paragraph divided by the total unreimbursed costs of all hospitals that qualify for payments under this Paragraph for providing inpatient and outpatient services to uninsured patients.

(5) The payment limits of the Social Security Act, Title XIX, section 1923(g)(1) applied to the payments authorized by this Paragraph require that when this payment is added to other disproportionate share hospital payments, the total disproportionate share payments shall not exceed 100 percent of the total costs of providing inpatient and outpatient services to Medicaid and uninsured patients for the fiscal year in which such payments are made, less all payments received for services to

Medicaid and uninsured patients. The total of all disproportionate share hospital payments shall not exceed the limits on disproportionate share hospital funding as established for this State by HCFA.

- (6) To ensure that payments pursuant to Paragraph (e) do not exceed the State aggregate upper limits to such payments established by applicable federal law and regulation (42 C.F.R. 447.272), such payments shall be cost settled within 12 months of receipt of the completed cost report covering the period for which such payments are made. If any hospital receives payments, pursuant to this Subparagraph in excess of the percentage established by the Director under Subparagraph (d)(3) of this Rule, ascertained without regard to other disproportionate share hospital payments that may have been received for services during the 12-month period ending September 30, 1996, such excess payments shall promptly be refunded to the Division. No additional payment shall be made to qualified hospitals in connection with the cost settlement.
- (7) The payments authorized by Subparagraph (6) shall be effective in accordance with G.S. 108A-55(c).

(f) An additional one-time disproportionate share hospital payment during the 12-month period ending September 30, 1996 (subject to the availability of funds and to the payment limits specified in this Paragraph) shall be paid to qualified public hospitals. For purposes of this Paragraph, a qualified public hospital is a hospital that qualifies for disproportionate share hospital status under Subparagraphs (a)(1) through (5) of this Rule; does not qualify for disproportionate share hospital status under Subparagraph (a)(6) of this Rule; was owned or operated by a State (or by an instrumentality or a unit of government within a State) throughout the 12-month period ending September 30, 1996; verified its status as a public hospital by certifying state, local, hospital district or authority government control on the most recent version of Form HCFA-1514 filed with the Health Care Financing Administration, U.S. Department of Health and Human Services on or before September 23, 1996; files with the Division on or before September 23, 1996 by use of a form prescribed by the Division a certification of its unreimbursed charges for inpatient and outpatient services provided to uninsured patients during the fiscal year ending in 1995; and submits to the Division on or before September 23, 1996 by use of a form prescribed by the Division a certificate of public expenditures.

- (1) The payment to qualified public hospitals pursuant to this Paragraph for the 12-month period ending September 30, 1996 shall be based on and shall not exceed the unreimbursed charges certified to the Division by each such hospital by use of a form prescribed by the Division for inpatient and outpatient services provided to uninsured patients for the fiscal year ending in 1995, to be converted

by the Division to unreimbursed cost by multiplying unreimbursed charges times the cost-to-charge ratio established by the Division for each hospital for the fiscal year ending in 1995. Payments authorized by this Paragraph shall be made no less frequently than annually.

- (2) Any payments pursuant to this Paragraph shall be ascertained and paid after any disproportionate share hospital payments that may have been or may be paid by the Division pursuant to Paragraph (d) of this Rule.
- (3) The payment limits of the Social Security Act, Title XIX, Section 1923 (g)(1) applied to this payment require that when this payment is added to other disproportionate share hospital payments, the total disproportionate share hospital payments will not exceed 100 percent of the total costs of providing inpatient and outpatient services to Medicaid and uninsured patients for the fiscal year in which such payments are made, less all payments received for services to Medicaid and uninsured patients for that year. The total of all DSH payments by the Division may not exceed the limits on disproportionate share hospital funding as established for this State by HCFA for the fiscal year in which such payments are made.
- (4) To ensure that estimated payments pursuant to Paragraph (f) do not exceed the State aggregate upper limits to such payments established by applicable federal law and regulation (42 C.F.R. 447.272), such payments shall be cost settled within 12 months of receipt of the completed cost report covering the 12 month period for which such payments are made. No additional payments shall be made in connection with the cost settlement.
- (5) The payments authorized by Paragraph (f) of this Rule shall be effective in accordance with G.S. 108A-55(c).

(g) Effective with dates of payment beginning October 31, 1996, hospitals that provide services to clients of State Agencies are considered to be a Disproportionate Share Hospital (DSH) when the following conditions are met:

- (1) The hospital has a Medicaid inpatient utilization rate not less than one percent and has met the requirements of Subparagraph (a)(1) of this Rule; and
 - (2) The State Agency has entered into a Memorandum of Understanding (MOU) with the Division of Medical Assistance (Division); and
 - (3) The inpatient and outpatient services are authorized by the State Agency for which the uninsured client meets the program requirements.
- (A) For purposes of this Paragraph, uninsured patients are those clients of the State Agency that have no third parties responsible for any hospital services authorized by the State

- Agency.
- (B) DSH payments are paid for services to qualified uninsured clients on the following basis:
- (i) For inpatient services the amount of the DSH payment is determined by the State Agency in accordance with the applicable Medicaid inpatient payment methodology as stated in Rule .0211 of this Section.
 - (ii) For outpatient services the amount of the DSH payment is determined by the State Agency in accordance with the applicable Medicaid outpatient payment methodology as stated in Section 24 of Chapter 18 of the 1996 General Assembly of North Carolina.
 - (iii) No federal funds are utilized as the non-federal share of authorized payments unless the federal funding is specifically authorized by the federal funding agency as eligible for use as the non-federal share of payments.
- (C) Based upon this subsection DSH payments as submitted by the State Agency are to be paid monthly in an amount to be reviewed and approved by the Division of Medical Assistance. The total of all payments may not exceed the limits on Disproportionate Share Hospital funding as set forth for the state by HCFA.

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-55; 42 C.F.R. 447, Subpart C; Eff. February 1, 1995; Amended Eff. July 1, 1995; Filed as a Temporary Amendment Eff. September 15, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Filed as a Temporary Amendment Eff. September 29, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. January 1, 1996; Temporary Amendment Eff. September 25, 1996; Temporary Amendment Eff. April 15, 1997.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Rule-making Agency: *EHNR - NC Marine Fisheries Commission*

Rule Citation: *15A NCAC 31 .0117*

Effective Date: *April 20, 1997*

Findings Reviewed by Julian Mann III: *Approved*

Authority for the rule-making: *G.S. 113-134; 113-190; 143B-289.4 1993 (Regular Session 1994), c. 769, s. 27.27*

Reason for Proposed Action: *Legislative action (Chapter 633, House Bill 1077) transferred administration of the Fishery Resource Grant Program from the NC Division of Marine Fisheries to the NC Sea Grant Program. In order to administer the 1997 Grants, these Marine Fisheries Commission rules need to be amended to reflect these changes in administration.*

Upon approval by the Codifier of the Rules, this Rule will become effective April 20, 1997. This agency will mail a copy of the amended rule to interested parties upon approval. This Rule will also appear in the NC Register.

Comment Procedures: *Written comments and statements are encouraged and may be submitted to the Marine Fisheries Commission, PO Box 769, Morehead City, NC 28557 by June 16, 1997.*

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

SECTION .0100 - GENERAL RULES

.0117 FISHERY RESOURCE GRANT PROGRAM

(a) Purpose. The purpose of this program is to enhance North Carolina's coastal fishery resources.

(b) Types of projects. Projects shall address one or more of the following areas of research:

- (1) New fisheries fishing equipment or gear - and techniques - particularly those that reduce bycatch and fishing impact on non-target species and size classes.
- (2) Environmental Pilot Studies. ~~Assess fishing industry trends - especially those that identify new opportunities and strategies that can be used to develop and conserve North Carolina fishery resources.~~
- (3) Aquaculture or mariculture. ~~Environmental studies - particularly those directed toward reducing adverse environmental impacts of fishing techniques, restoring fishery habitat, and understanding environmental controls of fish and shellfish abundance.~~
- (4) Seafood Technology. ~~Other Fishery Issues that will enhance North Carolina's coastal fisheries.~~

(c) Eligibility to receive grants. Proposals will be considered from a diversity of sources including, but not limited to fishers, groups of fishers, and fishing companies.

(d) Application for grants:

- (1) Grant proposals shall be typed or printed, and one copy ~~five copies~~ submitted to the North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ at

Post Office Box 8605, Raleigh, 769, Morehead City, North Carolina 27695-8605, 28557-0769. Submitted proposals must be postmarked no later than the date selected by Sea Grant, January 16, 1995. Proposals received or postmarked later than that date January 16 may not be considered for funding.

- (2) Grant proposals shall contain at least the following information:
 - (A) Name(s), mailing address(es), telephone number(s), signature(s) and social security or federal identification number of the applicant(s).
 - (B) A description of the project, its objectives, and its relationship to current fishery problems/issues, written in sufficient detail to be realistically evaluated by professional fishery ~~scientists and managers.~~ scientists, managers, and the fishing industry.
 - (C) A detailed statement of the projected costs of the project. Description of participant cost-sharing and explanation/justification of projected costs is encouraged.
 - (D) Biographical information documenting experience and expertise of project participants.
 - (E) A description of how the project will be carried out, results evaluated, and findings made public.
 - (F) An explanation of how the project will enhance North Carolina's coastal fishery resources.
 - (G) Any other information that may be needed to enable the Secretary of the Department of Environment, Health, and Natural Resources to make a decision on the application.
- (3) Projects may extend up to two years from the date of ~~award, except for aquaculture projects which may extend for three years.~~ award.
- (4) Once approved, project time periods may be amended, but funding may not be increased.
- (e) Review of proposals:
 - (1) Proposals will be reviewed and applicants notified in writing of acceptance or denial by the North Carolina ~~Sea Grant Program, Division of Marine Fisheries.~~ Incomplete proposals will be returned to the applicant with a written description of deficiencies.
 - (2) Review Procedures: An anonymous peer review will be conducted for all applications. At least one of the peer review persons must be involved in a fishing industry. Applications shall be confidential until after funding decisions are made. Project quality will be assessed on the following criteria: Proposals will be reviewed by fishery professionals who will assign scores as shown below (maximum

score = 100 points):

- (A) Address a priority:
- (B) Ability to protect or enhance fishery resources:
- (C) Organization of a plan of work leading to conclusions:
- (D) Plan to extend findings to the fishing industry:
- (E) Availability of expertise and its application:
- (F) Familiarity and experience with the problem addressed:
- (G) Innovation of approach or potential findings:
- (H) Cost-effectiveness of implementation of results; and
- (I) Reasonableness of budget for work proposed.
- (A) ~~Project Quality - the likelihood that the project will produce meaningful results directly applicable to enhancing North Carolina's fishery resources (30 points):~~
- (B) ~~Potential for Public Benefit - the likelihood that application of successful project results would be of significant benefit to the citizens of North Carolina (20 points):~~
- (C) ~~Qualifications of Applicants - the likelihood that participants can successfully complete the project and effectively disseminate results to the public (20 points):~~
- (D) ~~Innovativeness - the likelihood that the project would provide reliable new information that would improve utilization or management of fishery resources (20 points):~~
- (E) ~~Cost Effectiveness - the accuracy and appropriateness of project costs and their relationship to expected public benefit of the completed project (10 points):~~
- (3) Projects will be reviewed by members of the Fisheries Resource Grant Steering Committee, the Marine Fisheries Commission, and members of the relevant Marine Fisheries Commission Advisory ~~Committee, Committee, and staff of the Division of Marine Fisheries.~~ Competing large proposals and their reviews may be comparatively assessed by the Marine Fisheries Commission Planning Advisory Committee. Proposals to be granted will be selected by the Marine Fisheries Commission.
- (f) Award of grants:
 - (1) The North Carolina ~~Sea Grant Program Division of Marine Fisheries~~ shall administer the proposal review process and shall submit a list of eligible proposals ranked in order of total review score to the Marine Fisheries Commission.
 - (2) The North Carolina Marine Fisheries Commission shall make all grant offers on projects including the level of funding on each project.

- (3) Funds will be conveyed to grantees through contracts with the North Carolina Sea Grant Program, ~~Department of Environment, Health, and Natural Resources~~.
- (4) Of the total funds granted for each project, up to 25 percent may be paid upon signing of the contract if such payment is requested as part of the grant application.
- (5) Of the total funds granted for each project, 25 percent shall be held back and paid only upon acceptance of the final project report by the North Carolina Marine Fisheries Commission.
- (6) Other payments to grantees shall be paid upon receipt of expenditure reports or invoices at intervals of not less than three months.
- (7) Grants will be awarded as evenly as practicable among the Northern, Pamlico, Central, and Southern coastal areas of North Carolina.
- (8) Prior to initiation of work on research projects, grantees shall secure all necessary state and federal permits and licenses.
- (g) Reporting:
 - (1) Grantees shall submit written progress reports at three ~~six~~-month intervals describing status of their projects, progress toward achieving project objectives, notable occurrences, and any significant problems encountered and steps taken to overcome the problems. ~~Forms for such reports will be available from the Division of Marine Fisheries.~~
 - (2) As a condition of receiving a Fishery Resources Grant, the applicant shall agree to submit acceptable quarterly ~~semi-annual~~ reports. A technical representative designated by ~~of~~ the North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ shall determine if reports are acceptable. If the representative finds the report unacceptable, the project leader will be notified of deficiencies and must provide an acceptable report within 30 working days. If an acceptable report is not received in the specified time, the applicant shall be required to repay Sea Grant ~~the Division~~ a prorated refund of project costs as shown in Table 1.

Table 1. Prorated refund schedule for non-compliance with report requirements.

Percent of Work Completed and Acceptably Reported	Percent Refund
25	85
50	60
75	35
100	0

An applicant who has been found in noncompliance with reporting rules and who does not agree to provide such reports may request that the Marine Fisheries Commission informally mediate the case. An applicant will have a

maximum of 180 days to make repayment to Sea Grant ~~the Division~~ following the final appeals process.

- (3) Grantees shall submit a written draft final report within 60 days of the completion of their projects to the North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ for review and comment.
 - (A) If the North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ finds the draft final report substantially acceptable, Sea Grant ~~the Division~~ shall so notify the Marine Fisheries Commission and grantee(s). The grantee(s) shall make any needed minor corrections and re-submit the final report to Sea Grant ~~the Division~~. The Marine Fisheries Commission will consider Sea Grant's ~~the Division's~~ recommendation for approval and may approve the report and authorize final payment.
 - (B) If the North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ finds the draft final report substantially deficient because of lack of adherence to established procedures, insufficient sampling, lack of data to support conclusions, or other reasons pertaining to fulfillment of project requirements, Sea Grant ~~the Division~~ shall notify the Marine Fisheries Commission and grantee(s).
 - (i) If the Marine Fisheries Commission accepts Sea Grant's ~~the Division's~~ recommendation, it shall notify the grantee(s) in writing of the steps it must take to meet its contractual obligations in order to satisfactorily complete the project and final report and receive final payment.
 - (ii) If the Marine Fisheries Commission rejects Sea Grant's ~~the Division's~~ recommendation of substantial deficiency, it shall instruct Sea Grant ~~the Division of Marine Fisheries~~ to proceed with final approval as provided in Part (A) of this Subparagraph.
 - (C) Grantees may be required to give an annual verbal report on their project.
 - (D) The North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ shall publish an annual report summarizing the status of all projects conducted under this program.
 - (E) The North Carolina Sea Grant Program ~~Division of Marine Fisheries~~ shall conduct a field review of each project at least annually. Sea Grant ~~The Division~~ may request the assistance of other agencies of the Department of Environment, Health,

and Natural Resources and of the consolidated University of North Carolina to conduct field reviews.

- (4) Grantees shall submit a final expenditure report or invoice within ~~60~~ 45 days of the end of the contract.

History Note: Filed as a Temporary Adoption Eff. September 26, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Authority G.S. 113-134; 143B-289.4; 1993 (Regular Session 1994), c. 769, s. 27.17; Eff. February 1, 1995; Temporary Amendment Eff. April 20, 1997.

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of March 20, 1997 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1998 Short Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

1 NCAC 30G .0101	11:19 NCR 1414
1 NCAC 30G .0103 *	11:19 NCR 1414
1 NCAC 30G .0105	11:19 NCR 1414
2 NCAC 48F .0301	11:11 NCR 883
2 NCAC 48F .0302	11:11 NCR 885
2 NCAC 48F .0304 - .0306 *	11:11 NCR 886
10 NCAC 03R .3030 *	11:08 NCR 459
10 NCAC 03U .0604	11:09 NCR 571
11 NCAC 10 .0602 - .0603 *	11:19 NCR 1426
11 NCAC 10 .0606 *	11:19 NCR 1426
15A NCAC 10F .0302 *	11:14 NCR 1150
15A NCAC 10F .0307 *	11:14 NCR 1150
19A NCAC 03J .0306 *	11:17 NCR 1331
19A NCAC 03J .0306 * Eff. 4-1-97	not required, G.S. 150B-21.5(a)
19A NCAC 03J .0307 * Eff. 4-1-97	not required, G.S. 150B-21.5(a)
19A NCAC 03J .0308 *	11:17 NCR 1331
19A NCAC 03J .0308 * Eff. 4-1-97	not required, G.S. 150B-21.5(a)

TITLE 1 - DEPARTMENT OF ADMINISTRATION

CHAPTER 30 - STATE CONSTRUCTION

CHAPTER 30 - STATE CONSTRUCTION OFFICE

**SUBCHAPTER 30G - STATE BUILDING
COMMISSION PROCEDURES AND CRITERIA
FOR AUTHORIZATION TO USE AN
ALTERNATIVE CONTRACTING METHOD**

SECTION .0100 - GENERAL PROVISIONS

.0103 DEFINITIONS

For the purposes of the rules in this Section, the following definitions shall apply:

- (1) "Alternative contracting method" includes but is not limited to:
 - (a) the single-prime contracting system, not otherwise authorized under G.S. 143-128,
 - (b) the design-build delivery system, or

- (c) the construction management delivery system.
- (2) "Chairman" means the Chairman of the State Building Commission.
- (3) "Construction management delivery system" means the alternative contracting method where the public owner contracts for a fee with a single person, but not the project general contractor, who administers contracts with separate contractors for the construction of the project and who is responsible as agent to the public owner for the coordination and management of the project, but where the public owner remains liable to the separate contractors.
- (4) "Design-build delivery system" means that the public owner contracts for a fee with a single person for the design, management and construction of a project.
- (5) "Director" means the Director of the State Construction Office.
- (6) "Exemption" means the grant of authorization by

the SBC for the use of a method of contracting not otherwise authorized under G.S. 143-128.

- (7) "Person" means a person, firm or corporation.
- (8) "Project" means the building or facility for which an exemption is requested by the public owner, and upon which the work will be performed.
- (9) "Public owner" means a state agency or institution, a local government unit, or any other entity subject to the provisions of G.S. 143-129.
- (10) "SBC" means the State Building Commission.
- (11) "Work" means the erection, repair, construction, renovation or alteration to be performed upon a building or facility.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996;
Eff. August 1, 1998.*

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 48 - PLANT INDUSTRY

SUBCHAPTER 48F - PLANT CONSERVATION

SECTION .0300 - ENDANGERED PLANT SPECIES LIST: THREATENED PLANT SPECIES LIST: LIST OF SPECIES OF SPECIAL CONCERN

.0304 PLANT SPECIES OF SPECIAL CONCERN

(a) Special Concern Endangered Plant Species are those species that appear on both the Endangered Species List and on the Special Concern Species List and which can be offered for propagation to propagators under permit.

- (1) *Cystopteris tennesseensis* -- Shaver
Tennessee Bladderfern;
- (2) *Delphinium exaltatum* -- Aiton
Tall Larkspur;
- (3) *Echinacea laevigata* -- (Boynton & Beadle) Blake
Smooth Coneflower;
- (4) *Gentianopsis crinita* -- (Froehlich) Ma
Fringed Gentian;
- (5) *Geum radiatum* -- Michaux
Spreading Avens;
- (6) *Hydrastis canadensis* -- L.
Goldenseal, Orangeroot;
- (7) *Kalmia cuneata* -- Michaux
White Wicky;
- (8) *Pellaea wrightiana* -- Hooker
Wright's Cliff-brake Fern;
- (9) *Rhus michauxii* -- Sargent
Michaux's Sumac;
- (10) *Sarracenia jonesii* -- Wherry
Mountain Sweet Pitcher Plant;
- (11) *Sarracenia oreophila* -- (Kearney) Wherry
Green Pitcher Plant;
- (12) *Shortia galacifolia* -- T. & G.

Oconee Bells.

(b) Special Concern Threatened Plant Species are those species that appear on both the Threatened Species List and on the Special Concern Species List and which can be offered for propagation to propagators under permit.

- (1) *Eupatorium resinosum* -- Torr. ex DC.
Resinous Boneset;
- (2) *Helonias bullata* -- L.
Swamp Pink;
- (3) *Liatris helleri* -- (Porter) Porter
Heller's Blazing Star;
- (4) *Lilium grayi* -- Watson
Gray's Lily;
- (5) *Sabatia kennedyana* -- Fern.
Plymouth Gentian;
- (6) *Schisandra glabra* -- (Brickel) Rehder
Magnolia Vine.

(c) Special Concern Not Endangered or Threatened Plant Species are those species that appear on the Special Concern Species List but do not appear on the Endangered Species List or the Threatened Species List and which it shall be unlawful to distribute, sell or offer for sale except as otherwise provided in the rules.

- (1) *Dionaea muscipula* -- Ellis
Venus Flytrap;
- (2) *Panax quinquefolius* -- L.
Ginseng.

*History Note: Authority G.S. 106-202.15;
Eff. June 30, 1981;*

*Amended Eff. July 1, 1998; June 1, 1991; August 1, 1990;
May 1, 1984.*

.0305 COLLECTION AND SALE OF GINSENG

(a) Definitions:

- (1) Department. The North Carolina Department of Agriculture.
- (2) Ginseng. Any plant of the species *Panax quinquefolius* including cuttings, roots, fruits, seeds, propagules or any other plant part.
- (3) Ginseng Dealer. Any person who purchases or otherwise obtains ginseng roots which have been collected or cultivated in North Carolina in any quantity for commercial use. This definition does not include those persons who directly collect or cultivate ginseng roots, or who obtain ginseng roots for their own personal use.
- (4) Export Certificate. A document issued to allow the export or shipment of ginseng out of the State by certifying that the ginseng covered by the document was legally collected or grown in North Carolina.
- (5) Inspector. An employee of the North Carolina Department of Agriculture or any other person authorized by the Commissioner to enforce the Plant Conservation and Protection Act and the rules promulgated thereunder.

- (6) Person. Individual, corporation, partnership, firm, or association.
- (7) Record of Ginseng Purchase. A document completed by a ginseng dealer on a form provided by the Department to record ginseng purchases.
- (8) Record of Harvest Season Collection. A document completed and signed by a collector of wild ginseng and by an Inspector, certifying that the ginseng covered by the document was legally collected during the harvest season.
- (9) Statement Indicating Legal Collection of Ginseng from One's Own Land. A document completed and signed by a person verifying that the wild collected ginseng being sold was collected from that person's own land.

(b) Purpose. The purpose of this Rule is to regulate trade in ginseng in North Carolina to obtain federal approval for the export of ginseng from the state, to support the ginseng trade within the state and to protect the species from over-collection and extinction.

(c) Collection of Ginseng:

- (1) Harvest Season for the Collection of Ginseng. The ginseng harvest season shall be from September 1 through April 1. Harvesting ginseng outside of this period is prohibited except when the plants are dug from one's own land.
- (2) Collectors Harvesting or Selling Outside of the Harvest Season. Any person collecting wild ginseng outside of the harvest season must complete a Statement Indicating Legal Collection of Ginseng from One's Own Land before selling the ginseng. This form shall be available from ginseng dealers. Any person collecting ginseng within the harvest season but wishing to sell the ginseng outside of the season must complete a Record of Harvest Season Collection and have it signed by an Inspector before the end of the harvest season; the form is available from Inspectors.
- (3) The Replanting of Ginseng. All persons collecting ginseng from the wild may plant the seeds of collected plants in the immediate vicinity of where they are found.
- (4) Any person collecting wild ginseng on the lands of another shall, at time of collection, have on their person written permission from the landowner, as required under G.S. 106-202.19(1).
- (5) Possession of freshly dug ginseng on the lands of another shall constitute prima facie evidence that the ginseng was taken from the same land on which the collector was found.

(d) Purchase and Sale of Ginseng:

- (1) Ginseng Dealer Permits. All ginseng dealers shall obtain a permit from the Plant Industry Division of the Department prior to purchasing ginseng. Permits shall be valid from July 1 or the date of issue, whichever is later, to the following June 30.

No ginseng shall be purchased by a ginseng dealer without a current permit.

- (2) Buying Season for Ginseng. The buying season for wild collected ginseng shall be from September 1 through the following April 1 for green ginseng and from September 15 through the following April 1 for dried ginseng. To buy wild collected ginseng outside of this buying season a ginseng dealer must obtain from the collector either:
 - (A) a completed Statement Indicating Legal Collection of Ginseng from One's Own Land; or
 - (B) a Record of Harvest Season Collection completed by the collector and signed by an Inspector.
- (3) Purchase Records. Every ginseng dealer shall keep a record of each purchase of ginseng collected or grown in North Carolina on the applicable Record of Ginseng Purchases provided by the Department. Forms from previous years, copies, or any forms other than those provided by the Department for the current permit period shall not be used. Records of Ginseng Purchases shall be made available for inspection by an Inspector and shall be surrendered to an Inspector upon issuance of an Export Certificate or on a periodic basis. The applicable Statement Indicating Legal Collection of Ginseng from One's Own Land or Record of Harvest Season Collection shall be attached to any Record of Ginseng Purchases recording a purchase of wild collected ginseng collected outside of the harvest season or bought outside of the buying season.
- (4) Purchase of Ginseng from Other Ginseng Dealers. All ginseng dealers who purchase ginseng from other ginseng dealers located in North Carolina shall purchase only from those ginseng dealers that have valid dealer permits. Such purchases shall be recorded in a Record of Dealer-Dealer Transactions. Ginseng purchased from ginseng dealers who lack valid permits shall not be certified for export or shipment out of the State.
- (5) Exportation and Shipment of Ginseng. All persons who have ginseng in any quantity and wish to export or ship any amount out of the state shall obtain an export certificate from an Inspector. To obtain an export certificate a person must have accurate records of his purchases, present and surrender the original Record of Ginseng Purchases upon issuance of an export certificate and possess a valid ginseng dealer's permit.

History Note: Authority G.S. 106-202.15; Eff. June 30, 1981;

Amended Eff. July 1, 1998; August 1, 1990; May 1, 1984.

.0306 COLLECTION AND SALE OF VENUS

FLYTRAP

(a) Definitions:

- (1) Department. The North Carolina Department of Agriculture.
- (2) Flytrap, Venus Flytrap. Any plant of the species *Dionaea muscipula* including cuttings, roots, fruits, seeds, propagules or any other plant part.
- (3) Person. Individual, corporation, partnership, firm, or association.

(b) Collection of flytraps:

- (1) Venus Flytraps shall not be uprooted, dug, taken or otherwise disturbed or removed for any purpose from the lands of another without a written permit from the owner which is dated and valid for no more than 180 days except that the incidental disturbance of flytraps during agricultural, forestry or development operations is not illegal so long as the plants are not collected for sale or barter.
- (2) Venus Flytraps may not be uprooted, dug, taken or otherwise disturbed or removed for any purpose from public lands in North Carolina without a written permit from the agency which is responsible for administration for such public

lands.

- (3) The Replanting of Flytraps. All persons collecting flytraps from the wild may plant the seeds of collected plants, if any, in the immediate vicinity of where they are found.
- (4) Any person collecting Venus Flytraps on the lands of another shall, at time of collection, have on their person written permission from the landowner, as required under G.S. 106-202.19(1).
- (5) Possession of freshly dug Venus Flytraps on the lands of another shall constitute prima facie evidence that the plants were taken from the same land on which the collector was found.

(c) Sale of flytraps: No person may sell or offer for sale Venus Flytraps unless they have been lawfully collected, propagated from lawfully obtained stock plants or seed, or collected from one's own land.

*History Note: Authority G.S. 106-202.15;
Eff. June 1, 1991;
Amended Eff. July 1, 1998.*

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES**CHAPTER 3 - FACILITY SERVICES****SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS****SECTION .3000 - PLANNING POLICIES AND NEED DETERMINATIONS****.3030 FACILITY AND SERVICE NEED DETERMINATIONS**

Facility and service need determinations are shown in Items (1) - (8) of this Rule. The need determinations shall be revised continuously throughout 1996 pursuant to 10 NCAC 3R .3040. The provisions of this permanent rule which differ from the provisions of any temporary rule are effective beginning on the effective date of the permanent rule.

- (1) Category A. Acute Health Service Facilities. It is determined that there is no need for additional acute care beds and no reviews are scheduled.
- (2) Category B. Long-Term Nursing Facility Beds. It is determined that the counties listed below need additional Long-Term Nursing Facility Beds as specified. There is no need for additional Long-Term Nursing Facility Beds in other counties and no other reviews are scheduled.

County	Number of Nursing Beds Needed
Alexander	30
Henderson	90
McDowell	30
Rutherford	40
Watauga	20
Alamance	90

County	Number of Nursing Beds Needed
Lee	30
Wake	120
Brunswick	60
Cumberland	90
New Hanover	90
Pender	30
Onslow	40
Pitt	60
Carteret	60

(3) Category C.

- (a) Psychiatric Facility Beds. It is determined that there is no need for additional psychiatric beds and no reviews are scheduled.
- (b) Intermediate Care Facility Beds for the Mentally Retarded. It is determined that the mental health planning areas listed in the following table need additional Intermediate Care Facility beds for the Mentally Retarded ("ICF/MR beds"). The table identifies the number of new child and adult ICF/MR beds needed by each of the listed planning areas. These new ICF/MR beds shall only be used to convert existing five-bed ICF/MR beds into six-bed facilities. There is no need for new ICF/MR facilities or for ICF/MR facilities with more than six beds in these planning areas. There is no need for any additional ICF/MR Beds in any other mental health planning areas and no other reviews are scheduled, except as provided in 10 NCAC 3R .3040(a)(8).

Mental Health Planning Area (Constituent Counties)		Need Determination	
		Child	Adult
2	(Buncombe, Madison, Mitchell, Yancey)	1	1
3	(Alleghany, Ashe, Avery, Watauga, Wilkes)	0	1
5	(Caldwell, Burke, Alexander, McDowell)	1	0
21	(Davidson)	0	1
10	(Mecklenburg)	1	0
12	(Stanly, Cabarrus, Union)	1	2
18	(Orange, Person, Chatham)	0	1
35	(Craven, Jones, Pamlico, Carteret)	2	0

(c) Chemical Dependency Treatment Beds.

- (i) It is determined that there is no need for any additional chemical dependency treatment beds other than detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. There is no need for additional detox-only beds for adults in any other mental health planning areas. No other reviews for chemical dependency treatment beds are scheduled.

Mental Health Planning Areas (Constituent Counties)		Mental Health Planning Regions	Number of Detox-Only Beds Needed
1	(Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)	W	10
4	(Transylvania, Henderson)	W	10
5	(Caldwell, Burke, Alexander, McDowell)	W	1
6	(Rutherford, Polk)	W	10
8	(Gaston, Lincoln)	W	20
9	(Catawba)	W	8
11	(Rowan, Iredell, Davie)	W	10
13	(Surry, Yadkin)	NC	2
14	(Forsyth, Stokes)	NC	10
15	(Rockingham)	NC	10
16	(Guilford)	NC	10
17	(Alamance, Caswell)	NC	6
18	(Orange, Person, Chatham)	NC	2
20	(Vance, Granville, Franklin, Warren)	NC	10
21	(Davidson)	SC	10
23	(Robeson, Bladen, Scotland, Columbus)	SC	5
24	(Cumberland)	SC	10
25	(Lee, Harnett)	SC	10
26	(Johnston)	SC	7
27	(Wake)	SC	10
28	(Randolph)	SC	4
31	(Wayne)	E	10
32	(Wilson, Greene)	E	10
33	(Edgecombe, Nash)	E	6
34	(Halifax)	E	10
35	(Craven, Jones, Pamlico, Carteret)	E	10
36	(Lenoir)	E	10
38	(Hertford, Bertie, Gates, Northampton)	E	4
39	(Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
40	(Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10

Mental Health Planning Areas (Constituent Counties)	Mental Health Planning Regions	Number of Detox-Only Beds Needed
41 (Duplin, Sampson)	E	10

- (ii) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are 18 years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.
- (iii) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .3010(b).
- (iv) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:
 - (A) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .3010(c); and
 - (B) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.
- (4) Category D. Kidney Disease Treatment Centers and Dialysis Stations Need for stations, except as otherwise provided in Item (7) of this Rule, is determined by 10 NCAC 3R .3032.
- (5) Category E.
 - (a) Inpatient Rehabilitation Facility Beds.
 - (i) Except as provided in Sub-item (5)(a)(ii) of this Rule, it is determined that there is no need for any additional inpatient rehabilitation facility beds and no reviews are scheduled.
 - (ii) It is determined that there is a need for a demonstration project consisting of one inpatient rehabilitation unit containing no more than 10 inpatient rehabilitation facility beds in Wilson County. The purpose of the project shall be to demonstrate whether such a unit is viable in terms of cost, utilization, and good medical practice; whether such a unit increases the utilization of inpatient rehabilitation services by patients who could benefit from such services; and whether such a unit improves patient outcomes. An application for a certificate of need for the demonstration project shall:
 - (A) Conform to the requirements of the rules in 10 NCAC 3R .2800, with the exception of 10 NCAC 3R .2803(b);
 - (B) Demonstrate that the project's rehabilitation services beds shall be developed solely by the conversion of existing licensed health service facility beds;
 - (C) Demonstrate that the project's rehabilitation services beds shall be licensed, certified, and placed into operation within 12 months after the certificate of need is issued;
 - (D) Contain the applicant's commitment to submit to the Certificate of Need Section three annual reports on the operation of the demonstration project. The annual report shall be postmarked on or before the thirtieth day following the anniversary of the licensing of the demonstration project and shall contain the following information:
 - (I) The demonstration project's average per diem patient charges for the past year;
 - (II) The demonstration project's average per discharge patient charges for the past year;
 - (III) An accounting of the operational costs and patient revenues of the demonstration project for the past year;
 - (IV) The total number of patients served by the demonstration project during the past year;
 - (V) A list of the demonstration project's patient payor sources for the past year;
 - (VI) A description of the demonstration project's patient origin by county for the past year; and
 - (VII) An assessment of patient outcomes in the demonstration project during the past year.

The target average annual occupancy rate for the demonstration project is the average of the average annual occupancy rates reported by or for all existing inpatient rehabilitation facilities or units in their 1996 license renewal applications. The demonstration project shall meet or exceed this target average annual occupancy rate during at least one period of 12 consecutive calendar months within five years after the demonstration project is licensed. If it does not, the demonstration project shall be terminated automatically and the beds shall revert to their prior health service facility bed category. Additionally, the rehabilitation facility beds shall automatically revert to their prior health service facility bed category if the applicant voluntarily terminates the demonstration project.

 - (b) Ambulatory Surgery Operating Rooms. It is determined that there is no need for additional ambulatory

surgery operating rooms and no reviews are scheduled, except that a Rural Primary Care Hospital designated by the N.C. Office of Rural Health Services pursuant to Section 1820(f) of the Social Security Act may apply for a certificate of need to convert existing operating rooms for use as a freestanding ambulatory surgical facility.

(6) Category F.

- (a) New Home Health Agencies or Offices. It is determined that the Health Service Areas identified in 10 NCAC 3R .3010 and listed below need additional Home Health Agencies or Offices as specified.

HSA	Number of Agencies or Offices Needed
I	1
II	1
III	1
IV	1
V	1
VI	1

- (b) New Hospice Home Care Programs. It is determined that there is no need for additional Hospice Home Care Programs and no reviews are scheduled.

(c) New Hospice Inpatient Beds.

- (i) Single Counties. Single counties with a projected deficit of six or more beds are allocated beds based on the projected deficit. It is determined that there is no need for additional single county Hospice Inpatient Bed facilities and no reviews are scheduled.
- (ii) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

County	Hospice Inpatient Bed Deficit
Alexander	1
Ashe	1
Haywood	1
Mitchell	1
Polk	1
Rutherford	3
Transylvania	1
Watauga	1
Alamance	4

County	Hospice Inpatient Bed Deficit
Davidson	2
Rockingham	3
Stokes	2
Surry	4
Cabarrus	2
Gaston	4
Iredell	1
Lincoln	1
Rowan	1
Stanly	1
Union	2
Chatham	1
Durham	5
Johnston	1
Lee	1
Wake	4
Bladen	1
Brunswick	1
Columbus	3
Harnett	1
Moore	2
Pender	1
Richmond	1
Robeson	1
Scotland	1
Bertie	1
Craven	1
Duplin	2
Edgecombe	1
Hertford	1
Nash	1
Northampton	1
Onslow	1
Pitt	1

County	Hospice Inpatient Bed Deficit
Wilson	1

- (7) Category G. Kidney Disease Treatment Facilities and Dialysis Stations. It is determined that Carteret and Dare Counties have a need for additional dialysis stations that is not revealed by the standard need methodology in 10 NCAC 3R .3032 because of conditions unique to these two counties. The dialysis station need in Carteret and Dare Counties is shown in the following table:

County	Number of New Dialysis Stations Needed
Carteret	6
Dare	4

- (8) Category H.
- (a) Solid organ transplant services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3050(a)(3). It is determined that there is no need for new solid organ transplant services and no reviews are scheduled.
 - (b) Bone Marrow Transplantation Services. It is determined that allogeneic bone marrow transplantation services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3050(a)(3). It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services and no reviews are scheduled.
 - (c) Gamma Knives. It is determined that there is no need for gamma knives and no reviews are scheduled.
 - (d) Positron Emission Tomography Scanners. It is determined that there is no need for additional positron emission tomography scanners for purposes other than research and no reviews are scheduled.

History Note: Filed as a Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. July 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. June 7, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. December 31, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. July 23, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Rule Eff. May 31, 1992 for a period of 153 days to expire on October 31, 1992;
 Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
 Eff. November 2, 1992;
 Amended Eff. April 1, 1995; October 1, 1994; April 1, 1994; January 4, 1993;
 Temporary Amendment Eff. January 1, 1996;
 Amended Eff. July 1, 1998.

TITLE 11 - DEPARTMENT OF INSURANCE

.0602 CONSENT TO RATE PROCEDURES: RATE BUREAU COVERAGES

CHAPTER 10 - PROPERTY AND CASUALTY DIVISION

(a) An initial (first time) application to effect consent to rate on a specific risk of coverage subject to Article 36 of General Statute Chapter 58, in excess of the rate promulgated by the North Carolina Rate Bureau, shall contain the following:

SECTION .0600 - CONSENT TO RATE

- (1) a description of the insurance proposed, including

primary and excess limits, the amount of coverage, the property insured, the deductible, and any other factor used for rating, where applicable;

- (2) the rate and premium that would be charged without application of consent to rate;
- (3) the proposed rate and premium;
- (4) the percent increase. The rate to be charged shall be presumed reasonable if it does not exceed 250 percent of the rate that would be charged without application of consent to rate. Any proposed rate in excess of 250 percent must be explained fully and shall be subject to review and approval of the Commissioner pursuant to G.S. 58-36-30(b). (This is not required for and does not apply to nonfleet private passenger motor vehicle physical damage insurance);
- (5) a statement that the rate charged does not exceed the rate that would be applicable if the applicant had been charged 550 percent of the rate with no Safe Driver Incentive Plan points. Any proposed rate in excess of 550 percent must be explained fully, submitted individually, and shall be subject to review and approval of the Commissioner pursuant to G.S. 58-36-30(b). (This is required for nonfleet private passenger motor vehicle physical damage insurance only);
- (6) the names and addresses of the insurer, the writing agent, and the insured;
- (7) the effective date of the proposed rate;
- (8) the policy period;
- (9) the policy number; and
- (10) a letter signed by the insured acknowledging and consenting to the proposed rate. If coverage for the specific risk written on consent to rate is available through a residual market (FAIR Plan, Beach Plan, North Carolina Reinsurance Facility, North Carolina Workers Compensation Insurance Plan), a statement signed by the insured acknowledging that fact must also be executed.

(b) A letter signed by each insured acknowledging and consenting to the proposed rate shall be retained in the insurer's office and be made available to the Commissioner upon request.

History Note: Authority G.S. 58-2-40(1); 58-36-30(b); Eff. February 1, 1976;

Readopted Eff. July 11, 1978;

Amended Eff. August 3, 1992; February 1, 1990; January 1, 1989;

Temporary Amendment Eff. November 8, 1996;

Amended Eff. July 1, 1998.

.0603 CONSENT TO RATE PROCEDURES: COMMERCIAL COVERAGES

(a) An initial (first time) application to effect consent to rate on a specific risk of coverage subject to Article 40 of General Statute Chapter 58, in excess of the rate promulgated

by a licensed rating organization or filed by a company on its own behalf shall contain the following:

- (1) a description of the insurance proposed, including primary and excess limits, the amount of coverage, the property insured, the deductible, and any other factor used for rating, where applicable;
- (2) the rate and premium that would be charged without application of consent to rate;
- (3) the proposed rate and premium;
- (4) the percent increase. The rate to be charged shall be presumed reasonable if it does not exceed 250 percent of the rate that would be charged without application of consent to rate. Any proposed rate in excess of 250 percent must be explained fully and is subject to review and approval by the Commissioner pursuant to G.S. 58-40-30(c);
- (5) the names and addresses of the insurer, the writing agent, and the insured;
- (6) the effective date of the proposed rate;
- (7) the policy period;
- (8) the policy number; and
- (9) a letter signed by the insured acknowledging and consenting to the proposed rate. If coverage for the specific risk written on consent to rate is available through a residual market (FAIR Plan, Beach Plan, North Carolina Reinsurance Facility, North Carolina Workers Compensation Insurance Plan), a statement signed by the insured acknowledging that fact must also be executed.

(b) A letter signed by each insured acknowledging and consenting to the proposed rate shall be retained in the insurer's office and be made available to the Commissioner upon request.

History Note: Authority G.S. 58-2-40(1); 58-40-30(c);

Eff. February 1, 1976;

Readopted Eff. July 11, 1978;

Amended Eff. August 3, 1992; January 1, 1989;

Temporary Amendment Eff. November 8, 1996;

Amended Eff. July 1, 1998.

.0606 CONSENT TO RATE PROCEDURES

(a) If a policy for which the insured had consented to pay a higher premium rate is reinstated after a lapse, the insurer shall not have to obtain a signed statement from the insured under this Section for the reinstatement.

(b) All records generated under G.S. 58-36-30(b) or G.S. 58-40-30(c) and under this Section shall be maintained in accordance with 11 NCAC 19 .0002 and 11 NCAC 19 .0007.

(c) After a signed application is obtained by an insurer under this Section for a policy, all subsequent changes in the policy shall be endorsements for the purposes of G.S. 58-36-30(b) or G.S. 58-40-30(c).

(d) If a particular kind of coverage is added to a policy by endorsement during the term of the policy and the added coverage is written at a higher rate under G.S. 58-36-30(b)

or G.S. 58-40-30(c) and under this Section, the insurer shall obtain the signature of the insured under Rules .0602 and .0603 of this Section no later than the next renewal of the policy.

(e) If an insured consents to pay a higher premium rate under G.S. 58-36-30(b) or G.S. 58-40-30(c) and under this Section and consent to rate coverage is subsequently terminated, if the insured and insurer enter into another agreement under G.S. 58-36-30(b) or G.S. 58-40-30(c) and under this Section, the insurer does not have to obtain the signature of the insured under Rules .0602 and .0603 of this Section unless three years have elapsed since the termination of the coverage.

History Note: Authority G.S. 58-2-40(1); 58-36-30(b); 58-40-30(c);

Temporary Adoption Eff. November 8, 1996;

Eff. July 1, 1998.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0302 ATLANTIC BEACH

(a) Regulated Areas. This Rule applies to the following waters in Atlantic Beach:

- (1) the waters of the canals within the subdivisions of Atlantic Beach Isles and Sound View Isles within the town limits of Atlantic Beach;
- (2) the waters of Bogue Sound from the east side of Channel Bay Mobile Home Park running westerly to the west side of North Shore Mobile Home Park extending 55 yards from the shore;
- (3) the waters of Bogue Sound extending 50 yards on each side of the entrance to Hoop Pole Creek Bay and 50 yards on each side of the four boat ramps in Hoop Pole Creek Bay;
- (4) the waters of Bogue Sound beginning at day markers #3PA (green) and #4PA (red) at the entrance to the 8 ½ Marina Channel running to day markers #7PA (green) and #8PA (red) extending the length of the canal to and 50 yards on each side of the boat ramp at 8 ½ Marina Village.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Town of

Atlantic Beach is designated as a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Amended Eff. July 1, 1998.

.0307 CATAWBA: IREDELL: LINCOLN AND MECKLENBURG COUNTIES

(a) Regulated Area. This Rule applies to Lake Norman which is located in the counties of Catawba, Iredell, Lincoln and Mecklenburg.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, bridge, dock, pier, marina, boat storage structure, or boat service area on the waters of Lake Norman.

(c) Speed Limit Near Parks: No person shall operate a vessel greater than no-wake speed within 50 yards of the following parks as designated by markers:

- (1) Jetton Park;
- (2) Brown's Cove Park.

(d) Specific Speed Zones: No person shall operate a vessel at greater than no-wake speed in the following designated waters:

- (1) the entire area of Bluff Point Cove;
- (2) that cove immediately north of the inlet of Hager Creek.

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area on the waters of Lake Norman.

(f) Placement and Maintenance of Markers. Each of the boards of commissioners of the above-named counties is designated a suitable agency for placement and maintenance of navigational aids and regulatory markers of a general nature on the waters of Lake Norman within the boundaries of each respective county. Provided the said counties exercise their supervisory responsibility, they may delegate the actual process of placement or maintenance of such markers to some other agency, corporation, group, or individual.

With regard to marking the restricted zones described above, markers may be placed and maintained by the individuals using the protected areas and facilities in accordance with the Uniform Waterway Marking System and supplementary standards as set forth in Rule .0301(g)(1) to (8) of this Section.

(g) Markers Reflecting County Regulation. Where any marker conforming or required to conform to the uniform system is placed in or near Lake Norman advising the public of the provisions of any local act or of county ordinances made under the authority of any local act and:

- (1) Such provisions are not within the enforcement jurisdiction of the Commission; and

- (2) The Commission has not passed regulations of an identical or closely similar nature to that of the provisions in question, such marker to be deemed in conformity with the uniform system must bear on it the legend "County Regulation" at such a place or at such places as needed to indicate which provisions are not enforceable by the Commission as a matter of state law.

(h) Miscellaneous Restrictions. In addition to the acts prohibited by Paragraph (f) of Rule .0301 of this Section, it is unlawful to commit any such act with respect to any marker placed or erected under the authority of Chapter 1205 of the 1965 Session Laws of the State of North Carolina by any one of the above named counties or by them jointly.

History Note: Authority G.S. 75A-3; 75A-15; S.L. 1965, c. 1205;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; October 1, 1992; May 1, 1989; March 25, 1978.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3J - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS AND INSTRUCTORS

SECTION .0300 - SCHOOL LOCATION: PHYSICAL FACILITIES: AND COURSES OF INSTRUCTION

.0306 COURSE OF INSTRUCTION

(a) The commercial truck driving course to be taken by licensed persons who are 18 years old or older must meet the following requirements:

- | | |
|--|----------|
| (1) Minimum hours of instruction: | |
| (A) classroom instruction, including testing | 50 hours |
| (B) field instruction | 50 hours |
| (C) highway behind-the-wheel training | 20 hours |
| (D) observation (highway behind-the-wheel) | 40 hours |
| Total - 160 hours | |

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is properly used.

- (2) Content of classroom and behind-the-wheel instruction:
- (A) laws relating to interstate and intrastate operations;

- (B) pre-trip inspection;
- (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
- (D) placing the vehicle in operation;
- (E) use of the vehicle's controls and emergency equipment;
- (F) operation in inner-city and interstate highway traffic and passing;
- (G) turning the vehicle;
- (H) braking and slowing the vehicle by means other than applying the brakes;
- (I) backing and parking the vehicle;
- (J) experience operating vehicles with a minimum gross vehicle weight of 49,000 pounds; and
- (K) completing Driver's Daily Log books.
- (3) Other requirements:
- (A) the 160 hours of instructions required by this Rule shall be completed in no less than four calendar weeks;
- (B) three hours of the 20 hours of behind-the-wheel highway training must be completed by each student between dusk and dawn;
- (C) one vehicle must be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students per vehicle and no more than four vehicles per instructor shall be allowed for field training; and
- (D) a Driver's Daily Log must be kept for each student to reflect the 160 hours of instruction.

(b) Credit for Prior Instruction. Credit for prior instruction or training given by another agency or school may be granted. Such credit may be granted by the school to which the candidate is applying if the prior instruction or training is substantially equivalent to the corresponding part or parts of the course required by North Carolina law and if such credit is confirmed and authorized as equivalent by the Enforcement Section of the Division.

(c) In addition to the course requirements of Paragraph (a) of this Rule, schools may offer a "Refresher Course" which shall meet the following requirements:

- (1) Minimum hours of instruction shall total 80 hours as follows:
- | | |
|--|----------|
| (A) Classroom instruction, labs, and testing | 25 hours |
| (B) Field instruction | 25 hours |
| (C) Highway behind the wheel training | 10 hours |
| (D) Observation (highway behind the | |

wheel) 20 hours

Total - 80 hours

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is properly used.

(2) Content of Classroom and behind the wheel instruction shall be as follows:

- (A) Laws relating to interstate and intrastate operations;
- (B) Pre-trip inspection;
- (C) Coupling and uncoupling of combination units, if the equipment to be driven includes such units;
- (D) Placing the vehicle in operation;
- (E) Use of the vehicle's controls and emergency equipment;
- (F) Operation in inner-city and interstate highway traffic and passing;
- (G) Turning the vehicle;
- (H) Braking and slowing the vehicle by means other than applying the brakes;
- (I) Backing and parking the vehicle;
- (J) Experience operating vehicles with a minimum gross weight of 49,000 pounds; and
- (K) Completing Drivers Daily Log books.

(3) Other requirements are as follows:

- (A) The 80 hours of instruction required by this Rule shall be completed in no less than two calendar weeks;
- (B) Two hours of the 10 hours behind the wheel highway training shall be completed by each student between dusk and dawn;
- (C) One vehicle must be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved for such use by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students shall be allowed per vehicle for field training; and;
- (D) A drivers log must be kept for each student to reflect the 80 hours of instruction.

History Note: Authority G.S. 20-321; 20-322; 20-323;

Eff. May 1, 1987;

Amended Eff. August 1, 1998; April 1, 1997; January 1, 1994; May 1, 1990.

.0306 COURSE OF INSTRUCTION

(a) The commercial truck driving course to be taken by licensed persons who are above the age of 18 must meet the following requirements:

- (1) Minimum hours of instruction:

- (A) classroom instruction, including testing 50 hours
- (B) field instruction 50 hours
- (C) highway behind-the-wheel training 20 hours
- (D) observation (highway behind-the-wheel) 40 hours

Total - 160 hours

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is properly used.

(2) Content of classroom and behind-the-wheel instruction:

- (A) laws relating to interstate and intrastate operations;
- (B) pre-trip inspection;
- (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
- (D) placing the vehicle in operation;
- (E) use of the vehicle's controls and emergency equipment;
- (F) operation in inner-city and interstate highway traffic and passing;
- (G) turning the vehicle;
- (H) braking and slowing the vehicle by means other than applying the brakes;
- (I) backing and parking the vehicle;
- (J) experience operating vehicles with a minimum gross vehicle weight of 49,000 pounds; and
- (K) completing Driver's Daily Log books.

(3) Other requirements:

- (A) the 160 hours of instructions required by these rules shall be completed in no less than four calendar weeks;
- (B) three hours of the 20 hours of behind-the-wheel highway training must be completed by each student between dusk and dawn;
- (C) one vehicle must be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students per vehicle and no more than four vehicles per instructor will be allowed for field training; and
- (D) a Driver's Daily Log must be kept for each student to reflect the 160 hours of instruction.

(b) Credit for Prior Instruction. Credit for prior instruction or training given by another agency or school may

be granted. Such credit may be granted by the school to which the candidate is applying if the prior instruction or training is substantially equivalent to the corresponding part or parts of the course required by North Carolina law and if such credit is confirmed and authorized as equivalent by the Enforcement Section of the Division.

History Note: Authority G.S. 20-320 through 20-328; Eff. May 1, 1987; Amended Eff. April 1, 1997; January 1, 1994; May 1, 1990.

.0307 STUDENT REQUIREMENTS

Students 18 years of age or older but less than 21 years of age must be informed by the owner(s) or officers of the school of the age restrictions and limitations established by the United States Department of Transportation and the Motor Carrier Safety Unit of the Division of Motor Vehicles.

History Note: Authority G.S. 20-320 through 20-328; Eff. May 1, 1987; Amended Eff. April 1, 1997; January 1, 1994; May 1, 1990.

.0308 REPORTS TO BE SUBMITTED

(a) Every commercial truck driver training school offering a full program shall submit to the Division the following reports:

- (1) A schedule of classes for each licensing period.
- (2) A class roster as of the first day of class, which roster shall include the name, address, telephone number, and driver's license number of each student.
- (3) A copy of each student's contract(s).
- (4) A list of salesmen/recruiters working for the school (directly or indirectly) at the beginning of the licensing period, with additions or deletions to be filed within 30 days of such change.

(b) Every commercial truck driver training school offering seminars only shall submit and obtain approval of a course plan as required in Rules .0201 and .0306 of this Section at

least 30 days prior to the class. It shall also submit items in Subparagraphs (a)(1) and (a)(4) of this Rule.

History Note: Authority G.S. 20-320 through 20-328; Eff. May 1, 1987;

Amended Eff. April 1, 1997; January 1, 1994; February 1, 1991.

.0308 REPORTS TO BE SUBMITTED

(a) Every commercial truck driver training school offering a full program shall submit to the Division the following reports:

- (1) A schedule of classes for each licensing period.
- (2) A class roster as of the first day of class, which roster shall include the name, address, telephone number, and driver's license number of each student.
- (3) A copy of each student's contract(s).
- (4) A list of salesmen/recruiters working for the school (directly or indirectly) at the beginning of the licensing period, with additions or deletions to be filed within 30 days of such change.

(b) Every commercial truck driver training school offering seminars only shall submit and obtain approval of a course plan as required in Rules .0201 and .0306 of this Subchapter at least 30 days prior to the class. It shall also submit items in Subparagraphs (a)(1) and (a)(4) of this Rule.

(c) Every commercial truck driver training school offering a "refresher course" shall submit in addition to the requirements of Paragraph (a) of this Rule, a seven-year driving record attached to each student's contract.

History Note: Authority G.S. 20-321; 20-322; Eff. May 1, 1987;

Amended Eff. August 1, 1998; April 1, 1997; January 1, 1994; February 1, 1991.

The List of Rules Codified is a listing of rules that were filed with OAH in the month indicated and have been entered into the Code.

Key:

Citation = Title, Chapter, Subchapter and Rule(s)
 AD = Adopt
 AM = Amend
 RP = Repeal
 With Chgs = Final text differs from proposed text
 Corr = Typographical errors or changes that requires no rulemaking
 Temp. = Rule was filed as a temporary rule
 Eff. Date = Date rule becomes effective

NORTH CAROLINA ADMINISTRATIVE CODE

FEBRUARY & MARCH 1997

TITLE	DEPARTMENT	TITLE	DEPARTMENT
10	Human Resources	21	Occupational Licensing Board
13	Labor		1 - Acupuncture
15A	Environment, Health, and		12 - General Contractors
	Natural Resources		46 - Pharmacy
19A	Transportation	23	Community Colleges

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	18W	.0201	✓			✓			03/01/97
			.0203	✓			✓			03/01/97
			.0205	✓			✓			03/01/97
			.0211	✓			✓			03/01/97
			.0214 - .0215	✓			✓			03/01/97
			.0218	✓			✓			03/01/97
10 NCAC 18W .0201 - .0219 - recodified to 10 NCAC 14V .7001- .7019										02/01/97
		26H	.0213		✓				✓	04/15/97
13	NCAC	7F	.0101		✓					02/11/97
			.0101		✓					02/28/97
			.0101		✓					03/07/97
			.0201		✓					02/11/97
			.0201		✓					03/07/97
			.0501		✓					02/11/97

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
13	NCAC	7F	.0501		✓					03/07/97
13	NCAC	13	.0213		✓				✓	03/11/97
15A	NCAC	31	.0117		✓				✓	04/20/97
		7H	.0305					✓		01/01/97
		18A	.0134					✓		02/01/97
			.0614					✓		02/01/97
		24A	.0202(d)		✓					04/01/97
			.0202(f)		✓				✓	03/01/97
19A	NCAC	3J	.0306 - .0308		✓					04/01/97
21	NCAC	1	.0706 - .0707	✓						03/01/97
		12	.0202		✓				✓	02/18/97
		46	.1603		✓		✓			04/01/97
			.1701 - .1702			✓				04/01/97
			.1704 - .1705			✓				04/01/97
			.1812	✓			✓			04/01/97
			.2602		✓					04/01/97
			.2609		✓					04/01/97
23	NCAC	1A	.0001		✓				✓	06/01/97
		2C	.0108		✓				✓	06/01/97
			.0304		✓					03/01/97
			.0305		✓				✓	06/01/97
			.0604			✓			✓	06/01/97
		2D	.0103		✓				✓	06/01/97
			.0201 - .0203		✓				✓	06/01/97
			.0301		✓				✓	06/01/97
			.0323 - .0324		✓				✓	06/01/97
			.0327		✓				✓	06/01/97
		2E	.0101		✓				✓	06/01/97
			.0102			✓			✓	06/01/97
			.0201		✓				✓	06/01/97
			.0203			✓			✓	06/01/97
			.0204	✓					✓	06/01/97

LIST OF RULES CODIFIED

RULE CITATION		AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
23	NCAC 2E .0205 (Recodified from .0604)		✓				✓	06/01/97
	.0501		✓				✓	06/01/97
	.0604		✓				✓	06/01/97

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, April 17, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, April 14, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Philip O. Redwine - Chairman
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry

Appointed by House
 Bill Graham - Vice Chairman
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

April 17, 1997
 May 15, 1997
 June 19, 1997

July 17, 1997
 August 21, 1997
 September 18, 1997

MEETING DATE: APRIL 17, 1997

LOG OF FILINGS

RULES SUBMITTED: FEBRUARY 20, 1997 THROUGH MARCH 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/DIVISION OF MEDICAL ASSISTANCE			
	Technique for Overpayments	10 NCAC 26G .0707	Amend
DEPARTMENT OF INSURANCE			
	Applicability	11 NCAC 11F .0401	Adopt
	Definitions	11 NCAC 11F .0402	Adopt
	Basic and Premium Deficiency	11 NCAC 11F .0403	Adopt
	Calculation	11 NCAC 11F .0404	Adopt
	Calculation	11 NCAC 11F .0405	Adopt
JUSTICE/NC CRIMINAL JUSTICE EDUCATION & TRAINING STANDARDS COMMISSION			
	Definitions	12 NCAC 9A .0103	Amend
	Background Investigation	12 NCAC 9B .0102	Amend
	Minimum Standards	12 NCAC 9B .0111	Amend
	Basic Training	12 NCAC 9B .0206	Amend
	Basic Training	12 NCAC 9B .0224	Amend
	Basic Training	12 NCAC 9B .0225	Amend
	Satisfaction of Minimum Training	12 NCAC 9B .0409	Amend
	General Certification	12 NCAC 9C .0304	Amend
	Agency Retention	12 NCAC 9C .0307	Amend
	Lateral Transfer	12 NCAC 9C .0309	Amend
	Approved Speed-Measuring Instruments	12 NCAC 9C .0601	Amend
	Testing: Accuracy	12 NCAC 9C .0602	Repeal
	Testing: Radio Microwave	12 NCAC 9C .0603	Repeal
	Testing: Time-Distance	12 NCAC 9C .0604	Repeal

Operating Procedures	12 NCAC 9C .0605	Repeal
Concurrent Responsibility	12 NCAC 9C .0606	Repeal
Speed-Measuring Instrument	12 NCAC 9C .0607	Adopt
Speed-Measuring Instrument	12 NCAC 9C .0608	Adopt

DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION

Excess Emissions	15A NCAC 2D .0535	Amend
Purpose and Scope	15A NCAC 2D .1201	Amend
Definitions	15A NCAC 2D .1202	Amend
Test Methods	15A NCAC 2D .1203	Amend
Reporting	15A NCAC 2D .1204	Amend
Emission Standards	15A NCAC 2D .1205	Amend
Operational Standards	15A NCAC 2D .1206	Amend
Excess Emissions	15A NCAC 2D .1207	Amend
Operator Training	15A NCAC 2D .1208	Adopt
Compliance Schedules	15A NCAC 2D .1209	Amend
Application Processing	15A NCAC 2Q .0312	Amend
Expedited Application Processing	15A NCAC 2Q .0313	Adopt
Application Processing Schedule	15A NCAC 2Q .0525	Amend
Expedited Application Processing	15A NCAC 2Q .0527	Adopt
Application Processing Schedule	15A NCAC 2Q .0607	Amend

DEHNR/MARINE FISHERIES COMMISSION

Endangered or Threatened Species	15A NCAC 3I .0107	Amend
Military Prohibited Areas	15A NCAC 3I .0110	Amend
Coral and Live Rock	15A NCAC 3I .0116	Amend
Trawl Nets	15A NCAC 3J .0104	Amend
Crab, Eel, Fish and Shrimp Pots	15A NCAC 3J .0301	Amend
Non-Commercial Harvest	15A NCAC 3K .0105	Amend
Dredges/Mechanical Methods	15A NCAC 3K .0204	Amend
Prohibited Taking	15A NCAC 3K .0304	Amend
Crab Dredging	15A NCAC 3L .0203	Amend
Crab Spawning Sanctuaries	15A NCAC 3L .0205	Amend
Season, Size, and Harvest Limit	15A NCAC 3M .0204	Amend
Season and Areas	15A NCAC 3M .0401	Amend
Maps and Marking	15A NCAC 3N .0103	Amend
Prohibited Gear	15A NCAC 3N .0104	Amend
Prohibited Gear	15A NCAC 3N .0105	Amend
License Agents	15A NCAC 3O .0101	Amend
Standards for Shellfish Bottom	15A NCAC 3O .0201	Amend
Shellfish Bottom	15A NCAC 3O .0202	Amend
Lease Renewal	15A NCAC 3O .0205	Amend
Cancellation	15A NCAC 3O .0208	Amend
Sea Turtle Sanctuary	15A NCAC 3R .0101	Amend
Military Restricted Areas	15A NCAC 3R .0102	Amend
Primary Nursery Areas	15A NCAC 3R .0103	Amend
Permanent Secondary Nursery Areas	15A NCAC 3R .0104	Amend
Special Secondary Nursery Areas	15A NCAC 3R .0105	Amend
Designated Pot Areas	15A NCAC 3R .0107	Amend

DEHNR/WILDLIFE RESOURCES COMMISSION

Permitted Archery Equipment	15A NCAC 10B .0116	Amend
Hunting on Game Lands	15A NCAC 10D .0003	Amend
No Wake Zone	15A NCAC 10F .0317	Amend
No Wake Zone	15A NCAC 10F .0327	Amend
No Wake Zone	15A NCAC 10F .0339	Amend

DEHNR/COMMISSION FOR HEALTH SERVICES

General	15A NCAC 13A .0101	Amend
General Program Requirements	15A NCAC 13A .0105	Amend
Standards Applicable	15A NCAC 13A .0107	Amend
Standards for Management	15A NCAC 13A .0111	Amend
Land Disposal Restrictions	15A NCAC 13A .0112	Amend
Standards	15A NCAC 13A .0119	Amend
Adoption and Incorporation by Reference	15A NCAC 21I .0101	Adopt
Adoption and Incorporation by Reference	15A NCAC 21J .0101	Adopt

TRANSPORTATION/DIVISION OF HIGHWAYS

Revocation of Permit	19A NCAC 2E .0210	Amend
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NC STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Initial Licensure Fee	21 NCAC 37D .0202	Amend
Renewal Fee	21 NCAC 37G .0102	Amend

RULES REVIEW OBJECTIONS

ACUPUNCTURE LICENSING BOARD

<i>21 NCAC 1 .0706 - Continuances</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>21 NCAC 1 .0707 - Disqualification for Personal Bias</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

ADMINISTRATION

State Construction

<i>1 NCAC 30G .0102 - Policy</i>	<i>RRC Objection</i>	<i>03/20/97</i>
<i>1 NCAC 30G .0104 - General Procedures</i>	<i>RRC Objection</i>	<i>03/20/97</i>

COMMUNITY COLLEGES

<i>23 NCAC 2C .0304 - Student Loan Funds for Vocational and Technical Education</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>23 NCAC 2E .0203 - Standards for Technical-Vocational Curriculums</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

<i>15A NCAC 7M .0403 - Policy Statements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

HUMAN RESOURCES

Child Day Care Commission

<i>10 NCAC 3U .0707 - In-Service Training Requirements</i>	<i>RRC Objection</i>	<i>03/20/97</i>
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Facility Services

<i>10 NCAC 3R .3030 - Facility and Service Need Determinations</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>02/20/97</i>

<i>Agency Revised Rule</i>		<i>Obj. Removed</i>	<i>03/20/97</i>
10 NCAC 3R .3033 - <i>Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
	<i>Obj. Cont'd</i>		<i>03/20/97</i>
10 NCAC 3R .3034 - <i>Heart-Lung Bypass Mch. Need Det./New Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
10 NCAC 3R .3035 - <i>Heart-Lung Bypass Mch. Need Det./Existing Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
10 NCAC 3R .3036 - <i>Cardiac Catheterization Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
10 NCAC 3R .3037 - <i>Cardiac Catheterization Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
10 NCAC 3R .3038 - <i>Cardiac Angioplasty Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
10 NCAC 3R .3039 - <i>Cardiac Angioplasty Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>		<i>01/16/97</i>
	<i>Obj. Cont'd</i>		<i>02/20/97</i>
			<i>03/20/97</i>
<i>Rule Returned to Agency</i>			
Mental Health: Other Programs			
10 NCAC 18W .0201 - <i>Scope</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0203 - <i>General Provisions</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0205 - <i>Emotional, Mental or Neurological Handicap Defined</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0211 - <i>Needs Assessment</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0214 - <i>Area Program Requirements</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0215 - <i>Division Requirements</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
10 NCAC 18W .0218 - <i>Contested Case Hearings</i>	<i>RRC Objection</i>		<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>		<i>02/20/97</i>
INSURANCE			
11 NCAC 12 .1702 - <i>Viatical Settlement Providers</i>	<i>RRC Objection</i>		<i>03/20/97</i>
BOARD OF NURSING			
21 NCAC 36 .0320 - <i>Students</i>	<i>RRC Objection</i>		<i>03/20/97</i>
BOARD OF PHARMACY			
21 NCAC 46 .1317 - <i>Definitions</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1410 - <i>Personnel</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1411 - <i>Responsibilities of the Pharmacist-Manager</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1412 - <i>Physical Requirements</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1414 - <i>Drug Distribution and Control</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1415 - <i>Medication in Health Care Facility Emergency Departments</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1416 - <i>Repackaging</i>	<i>RRC Objection</i>		<i>03/20/97</i>
21 NCAC 46 .1604 - <i>Transfer of Permits Allowed</i>	<i>RRC Objection</i>		<i>03/20/97</i>

21 NCAC 46 .1703 - Drugs to Be Dispensed
21 NCAC 46 .2611 - Medical Equipment

RRC Objection *03/20/97*
RRC Objection *03/20/97*

TRANSPORTATION

Division of Motor Vehicles

19A NCAC 3J .0306 - Course of Instruction
Agency Revised Rule

RRC Objection *02/20/97*
Obj. Removed *03/20/97*

19A NCAC 3J .0307 - Student Requirements
Rule Returned to Agency

RRC Objection *02/20/97*
03/20/97

19A NCAC 3J .0308 - Reports to be Submitted
Agency Revised Rule

RRC Objection *02/20/97*
Obj. Removed *03/20/97*

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Thomas R. West

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Douglas J. Register v. Department of Administration	96 DOA 0172	Reilly	08/16/96	
<i>Purchase and Contract</i>				
Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	95 ABC 0883*	Gray	07/10/96	
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96	11:12 NCR 1027
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.	95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.	95 ABC 0925	Morrison	03/25/96	
City of Raleigh v. Alcoholic Beverage Control Commission and	95 ABC 1143	Morrison	11/08/96	11:17 NCR 1362
Marshall Stewart, III, Robert David Park, and Park Stewart Inc.				
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano	95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission	95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96	
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission	95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter	96 ABC 0013	Reilly	04/26/96	
Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96	
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.	96 ABC 0018	Chess	05/28/96	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v. Bayron Green	96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
Alcoholic Beverage Control Commission v. Robert Montgomery McKnight	96 ABC 0135	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Cadillacs Discotheque, Inc.	96 ABC 0136	Phipps	12/04/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission	96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robin Anthony	96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.	96 ABC 0226	Phipps	08/02/96	
Alcoholic Beverage Control Commission v. C N H Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0447	Morrison	08/30/96	11:13 NCR 1085
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dilhtra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v. Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
Michael L. Harris D/B/A Big House Inc. v. Alcoholic Beverage Control	96 ABC 0680	Phipps	02/12/97	
Joseph Marcel Etienne v. Alcoholic Beverage Control Commission	96 ABC 0718	Phipps	10/17/96	
Alcoholic Beverage Control Commission v. Jesse Smith	96 ABC 0804	Gray	11/19/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0858	Morrison	11/21/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0859	Morrison	11/21/96	
Louis Corpening v. Alcoholic Beverage Control Commission	96 ABC 0985	Gray	09/26/96	
Alcoholic Beverage Control Commission v. Joyce N. Capra	96 ABC 1060	Reilly	11/15/96	
HARB Inc. v. Alcoholic Beverage Control Commission	96 ABC 1124	Phipps	10/23/96	
Alcoholic Beverage Control Commission v. Mutaz Mohammed	96 ABC 1181	Chess	02/13/97	
Alcoholic Beverage Control Commission v. Warner Enterprises, Inc.	96 ABC 1315	Gray	01/30/97	11:23 NCR 1801
Alcoholic Beverage Control Commission v. James Ramsey, Jr	96 ABC 1317	Gray	02/03/97	
Alcoholic Beverage Control Commission v. Russell Bernard Speller	96 ABC 1394	Smith	12/20/96	
Alcoholic Beverage Control Comm. v. Ptnrshp.,T/A Blue Front Groc.	96 ABC 1469	Smith	12/09/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 1584	Gray	02/12/97	
Alcoholic Beverage Control Commission v. Anthony Jerome Foster	96 ABC 1587	Reilly	01/29/97	
Alcoholic Beverage Control Comm. v. Park Entertainment, Inc.	96 ABC 1928	Smith	02/06/97	
Lomax Brooks v. Alcoholic Beverage Control Commission	96 ABC 1930	Gray	03/21/97	

COMMISSION FOR AUCTIONEERS

John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96
Barry G. York v. Auctioneer Licensing Board	96 CFA 0297	Smith	10/18/96

DEPARTMENT OF CORRECTION

James J. Lewis v. Department of Correction	96 DOC 0772	West	09/05/96
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CRIME CONTROL AND PUBLIC SAFETY

Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/Crime Victims Compensation Comm	95 CPS 0568	Morrison	05/29/96	
Robert F. Bronsdon v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96	
Helen B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Smith	03/29/96	11:02 NCR 93
Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96	
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Smith	07/03/96	
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96	
Sheila Carol Blake v. Victims Compensation Commission	96 CPS 0280	West	07/10/96	
James T. Mungo v. Victims Compensation Commission	96 CPS 0333	Reilly	07/09/96	
Jerome Crutchfield v. CPS, Victims Compensation Commission	96 CPS 0340	Phipps	09/05/96	
William Theodore Frazier v. Crime Victims Compensation Commission	96 CPS 0435	Chess	08/22/96	
Emma Coble v. Crime Victims Compensation Commission	96 CPS 0468	Chess	09/25/96	
Donna Williams v. Crime Victims Compensation Commission	96 CPS 0493	Morrison	06/13/96	
Daisy Reid v. Crime Victims Compensation Commission	96 CPS 0499	West	11/18/96	
Earlie McLaurin, Jr., Delano McLaurin, Sr v. Crime Victims Comp Comm	96 CPS 0639	West	01/21/97	

CONTESTED CASE DECISIONS

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Judy Worley Milam v. Crime Victims Compensation Commission	96 CPS 0717	Gray	11/21/96	
James A. Cherry v. Crime Control & Public Safety	96 CPS 0793	Phipps	01/17/97	
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96	
Mark Matthews for Child Victim v. Crime Victims Compensation Comm.	96 CPS 0832	Becton	08/20/96	
Clara Durham v. Victims Compensation	96 CPS 0906	Phipps	09/23/96	
George Battle, Jr. v. Crime Control & Public Safety	96 CPS 1006	Phipps	01/17/97	
Larry McLeod v. Crime Victims Compensation Commission	96 CPS 1073	Smith	03/14/97	
Shawn P. Saddler v. Victims Compensation Commission	96 CPS 1109	Morrison	01/02/97	
Ricky Cleveland v. Crime Victims Compensation Commission	96 CPS 1174	Chess	03/06/97	
David Carl Anderson v. Crime Victims Compensation Commission	96 CPS 1409	Smith	11/25/96	
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Webster Environmental Inc. v. EHNR, Asbestos Hazard Mgmt. Branch	95 EHR 0647	Becton	01/24/97	
Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96	
David Martin Shelton v. Rockingham County Dept/Public Health, EHNR	95 EHR 0941	West	05/01/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198*2	Smith	03/27/96	11:02 NCR 97
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Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96	
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Smith	07/01/96	
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96	
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J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Smith	02/23/96	
Theodore D. Barris v. Town of Long Beach, NC & Coastal Mgmt, EHNR	96 EHR 0277	West	05/09/96	
Town of Sunset Beach v. EHNR, Division of Coastal Management	96 EHR 1112	Becton	03/26/97	11:26 NCR 2045

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North Buncombe Assoc of Concerned Citizens v. Env. Mgmt. EHNR	95 EHR 0108	Chess	02/03/97	11:24 NCR 1866
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The Smithfield Packing Co., Inc., v. EHNR, Environmental Mgmt. and	95 EHR 1474	West	07/03/96	
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Warren Scott Nail v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
Zoriana Lyczkowski v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0619	Morrison	10/21/96	
Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Phipps	01/28/97	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
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James Michael Doe v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0957	Phipps	12/06/96	
Charles M. Perry v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1016	Smith	01/22/97	
Gregory K. Knox v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1836	Reilly	02/03/97	
Tyrone Sutton v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1837	Becton	02/17/97	

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Bobby V. Hancock v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1885	Becton	02/17/97	
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John Darrell Shaver v. Private Protective Services Board	96 DOJ 0127	Reilly	02/26/97	
Daniel Ray Williams v. Private Protective Services Board	96 DOJ 0128	Reilly	02/26/97	
Robert A. Gibson v. Private Protective Services Board	96 DOJ 0386	Smith	07/03/96	
Jimmy D. Matthews v. Private Protective Services Board	96 DOJ 0676	Reilly	07/11/96	
Johnnie Lee King v. Private Protective Services Board	96 DOJ 0677	Reilly	07/11/96	
Charlie C. Brackett v. Private Protective Services Board	96 DOJ 0712	Becton	02/03/97	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
Private Protective Services Board v. Henry E. Byrd, Jr.	96 DOJ 0796	Mann	08/19/96	
Larry Boggs v. Private Protective Services Board	96 DOJ 0797	Morrison	10/10/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
Private Protective Services Board v. Ricky C. Mullinax	96 DOJ 0800	Becton	10/04/96	
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V.A.A. and R.L.A. v. Johnston County School System	95 EDC 1024	Mann	02/11/97	11:24 NCR 1860
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	
L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candyece Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Zelma J. Hillsman v. NC State Board of Education	96 EDC 0399	Phipps	01/27/97	11:23 NCR 1808
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
Louis Craig Gill v. State Board of Education	96 EDC 0675	Smith	12/18/96	11:20 NCR 1624
John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	
Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Smith	08/16/96	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed.	96 EDC 0964	Chess	09/17/96	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
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Felicia M. Moore v. Charlotte-Mecklenburg Schools & Dept. of Public Ins.	96 EDC 1303	Smith	11/25/96	
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<i>Administrative Office of the Court</i>				
Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Albemarle Mental Health Center</i>				
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<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>Central North Carolina School for the Deaf</i>				
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<i>Department of Correction</i>				
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Nancy L. Marek v. Department of Correction, Division of Prisons	95 OSP 1075	Chess	02/17/97	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
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Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372*8	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373*8	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374*8	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375*8	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376*8	Smith	07/05/96	
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Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
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Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
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Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
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James D. Dowdy v. Department of Correction	96 OSP 1081	Smith	02/21/97	
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Martin Tyler Wells, Sr. v. Dept of Correction Sandhill Youth Center	96 OSP 1142	Chess	01/28/97	
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Calvia L. Hill v. Dept of Correction, Lumberton Correctional Inst.	96 OSP 1705	Smith	03/27/97	
Mohammad R. Pirouzkah v. Department of Correction	97 OSP 0038	Phipps	03/24/97	
<i>Craven County Health Department</i>				
Linda Walker v. Craven County Health Department	95 OSP 1171*15	Smith	01/24/97	
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Patricia Kemp v. Craven County Health Department	96 OSP 0324*15	Smith	01/24/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249*9	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050*9	Smith	07/23/96	
Lloyd Edward Lowry v. Department of Crime Control & Public Safety	96 OSP 0341	Reilly	02/28/97	11:24 NCR 1886
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy Patrol	96 OSP 1309	Gray	12/12/96	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>Employment Security Commission</i>				

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William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
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Diana Tootle v. Department of Environment, Health, & Natural Resources	95 OSP 0569	Reilly	03/24/97	11:26 NCR 2042
Donald E. Batts v. Division of Adult Health, EHNHR	95 OSP 1071	Smith	10/01/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
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<i>Department of Human Resources</i>				
Sheila Logan v. Black Mountain Center, Dept. of Human Resources	95 OSP 0672	Chess	01/24/97	
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147* ¹¹	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241* ¹¹	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
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Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
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<i>Caswell Center</i>				
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Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
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<i>Cumberland County Department of Social Services</i>				
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<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
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Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddies v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Rockingham County Department of Social Services</i>				
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<i>Vance County Department of Social Services</i>				
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<i>Wake County Department of Social Services</i>				
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<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
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<i>Department of Justice</i>				
Thomas M. Hughes v. State Bureau of Investigation, Dept. of Justice	95 OSP 0368	Becton	02/28/97	11:24 NCR 1877
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
Sydney Cheryl Sutton v. Department of Labor	95 OSP 1211	Phipps	02/04/97	
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
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<i>Tideland Mental Health Center</i>				
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<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589* ¹	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Bobby R. Mayo v. Department of Transportation	95 OSP 0561* ¹³	Reilly	01/08/97	
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798* ¹³	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837* ¹	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	

* Consolidated cases.

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Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Shirley Pierce v. DOT/DMV Drivers License	96 OSP 0731	West	03/31/97	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
James M. Stokes, III v. Department of Transportation	96 OSP 0983	Smith	03/03/97	11:24 NCR 1891
Larry J. Winstead v. Department of Transportation	97 OSP 0060	Becton	03/27/97	

Tri-County Mental Health Complex

Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
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Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Libby Clawson	96 OSP 0055	West	01/15/97	
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
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Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
Rebecca Williams v. Winston Salem State University	96 OSP 0807	Smith	01/23/97	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Donna M. VanHook v. UNC Hospitals at Chapel Hill	96 OSP 1103	Gray	01/29/97	
Tommie Thompson v. UNGC, Physical Plant	96 OSP 1135	Chess	01/29/97	
Harvey Lee Clemmons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	

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Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
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STATE TREASURER

Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Linda H. Belk v. Bd. of Trustees Teachers & St. Emp Retirement Sys	96 DST 0600	Smith	03/13/97	
Barbara Dauterman v. Teachers' & St. Employees Retirement Sys.	96 DST 0913	Phipps	03/07/97	
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	

DEPARTMENT OF TRANSPORTATION

James E. Phillips v. Department of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
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UNIVERSITY OF NORTH CAROLINA

Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 OSP 0569**

DIANA TOOTLE,
Petitioner,

v.

**DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES,**
Respondent.

RECOMMENDED DECISION

This matter came on for hearing before the undersigned administrative law judge on January 21, 1997, in New Bern. The petitioner was represented by Ralph T. Bryant, Jr. The respondent was represented by Edwin L. Gavin II. The petitioner presented three witnesses and introduced Exhibits #1 - 9. The respondent presented five witnesses and introduced Exhibits #1 - 9, 11, 12, 14, 16 - 24, 26, and 27. The respondent file a proposed Recommended Decision on March 17, 1997.

ISSUE

Did the respondent discriminate against the petitioner on the basis of sex and race when the respondent failed to promote the petitioner to the position of Applications Programmer II in the Division of Marine Fisheries at Morehead City?

FINDINGS OF FACT

1. Petitioner was employed by the respondent's Division of Marine Fisheries as a Clerk Typist from July, 1988, until April, 1989, as a Data Control Clerk III from April, 1989, until November, 1989, as a Data Control Clerk IV from November, 1989, until July, 1996, and as an Information Processing Assistant from July, 1996, until November, 1996, at which time she resigned her position
2. Petitioner is an African-American female.
3. While serving as the Data Control Clerk IV and the Information Processing Assistant, the petitioner was assigned to the Statistics and Information Management Section. The section chief was Paul S. Phalen, a white male.
4. As the Data Control Clerk IV, the petitioner had data processing responsibilities with regard to the biological database. The biological database is a vast computerized database, consisting of a number of biological master files, programs, and records, all relating to biological data on fishery resources in North Carolina's coastal waters.
5. The biological database is used by biologists to assist in managing North Carolina's fishery resources.
6. Programming and program development responsibilities with regard to the biological database were assigned to the position of Applications Programmer II. The Applications Programmer II position's essential functions also included SAS support, which consists of assisting biologists with SAS programming questions. SAS is a computer language which is heavily used in biological database programming. The Applications Programmer II was the petitioner's supervisor.
7. In April, 1994, the holder of the Applications Programmer II position, Mike Cruze, went on leave. Mr. Cruze's supervisor was Mr. Phalen. For one month, Mr. Phalen assigned the petitioner the following duties of the Applications Programmer II position: receipt and logging of data from biologists; coordination and tracking of data processing by the contractor; submission of data to the contractor; updating of master files and running of updates; and conducting of standard subset updates.
8. At the same time, Mr. Phalen retained for himself and Al Schmidt, the Computer Consultant III, the programming, program development, and SAS support functions of Mr. Cruze's position.
9. The functions assigned to the petitioner for the one month were data processing duties. In discharging these duties,

the petitioner demonstrated high effort and dedication, mastered the database update process, and enhanced data quality. In recognition of the petitioner's good work in discharging her data processing duties, Mr. Phalen recommended on October 13, 1994, that her position be upgraded.

10. In September, 1994, Mr. Cruze resigned from the Applications Programmer II position. The petitioner applied for the position.
11. Petitioner was qualified for the position.
12. Petitioner and five others were given structured interviews, including a test, on October 17, 1994, by a three member panel, consisting of Phalen and Schmidt, and Katy West, a female, who was a biological supervisor.
13. The panel members unanimously recommended that David Hopper, a white male, be offered the position, stating that he was the best qualified of the six applicants interviewed for the position because of his high level of database design and programming experience and his education. The panel members unanimously ranked Petitioner lowest of the six applicants interviewed. Respondent selected Mr. Hopper for the position.
14. Petitioner, prior to her application for the Applications Programmer II position, had acquired extensive knowledge of the biological database. However, she lacked programming experience. She also had no SAS programming experience. Petitioner was enrolled in, but had not completed, a two-year course in business computer programming. She had no degrees other than her high school diploma.
15. Mr. Hopper, prior to his selection for the Applications Programmer II position, had been employed by the respondent for two months as a computer programmer. Mr. Hopper first began using SAS in that position. However, Mr. Hopper had more than 20 years of database design and mainframe programming experience. He had a bachelor's degree in mathematics. Although Mr. Hopper had just begun using SAS, his years of programming experience made it easier for Mr. Hopper, as opposed to the petitioner, to undertake the SAS programming responsibilities of the Applications Programmer II position.
16. Mr. Phalen recommended the petitioner for the Data Processing Clerk IV position. On an occasion in 1992, when the Applications Programmer II position previously was open, Mr. Phalen had recommended a Chinese female for the position. This applicant withdrew, and Mr. Cruze was hired.

CONCLUSIONS OF LAW

1. Petitioner has alleged that sex and race discrimination was the basis of the respondent's failure to promote her to the Applications Programmer II position. She has the burden of proof. The burden of production of the evidence shifts during the case, but the burden of persuasion remains with the petitioner.
2. The evidence shows that the petitioner applied for and was qualified for the position of Applications Programmer II, that she was not selected for the position, and that a white male was selected. The evidence thus shows that the petitioner has made a prima facie case of race and sex discrimination.
3. The evidence further shows that the respondent promoted Mr. Hopper, a white male, because he had programming experience and therefore was more qualified for the position.
4. No evidence shows that the above reason for employing Mr. Hopper, a white male, was not true.
5. The petitioner established neither that intentional sex nor intentional race discrimination was the reason that she did not obtain the position.

RECOMMENDED DECISION

It is recommended that the Petition be dismissed.

NOTICE

The agency that will make the final decision in this contested case is the State Personnel Commission. It will give each party the opportunity to file exceptions to this recommended decision and to present written arguments. The agency will serve a copy of the final decision on all parties, the attorneys of record and the Office of Administrative Hearings.

This the 24th day of March, 1997.

Robert Roosevelt Reilly, Jr.
Administrative Law Judge

V.

**DEPARTMENT OF ENVIRONMENT, HEALTH,
AND NATURAL RESOURCES,
DIVISION OF COASTAL MANAGEMENT,
Respondent.**

ORDER OF DISMISSAL AND FINAL DECISION

STATEMENT OF THE CASE

10. Ms. Fluegel, on behalf of the Petitioner, decided to appeal the decision to deny the permits based on her determination that one or more of the factual bases upon which they had denied the applications were not correct. Having never filed an appeal before, Ms. Fluegel was somewhat confused by the two types of appeals discussed in Mr. Schecter's

letter. Instead of contacting Mr. Parker as the letter directed her to do, Ms. Fluegel contacted Bob Stroud with the DCM and inquired about how to proceed. Mr. Stroud told Ms. Fluegel that if the Town of Sunset wished to appeal the decision to deny the applications, she should file the preprinted appeal form contained in the back of the CAMA Local Permit Officer's Handbook.

11. Based upon the advice that she received from Mr. Stroud, on March 20, 1996, Ms. Fluegel completed the only appeal form contained in the Town of Sunset Beach's copy of the Local Permit Officer's Handbook at that time which was a document entitled "Third Party Hearing Request on CAMA Permit Decision." As directed on the form itself, Ms. Fluegel filed the original hearing request with the Director of the Division of Coastal Management and served a copy of the hearing request on the North Carolina Attorney General's Office. At the time, Ms. Fluegel did not realize that this appeal form was not sufficient to accomplish the type of appeal authorized by Chapter 150B of the North Carolina General Statutes.

12. The CAMA Local Permit Officer's Notebook is a loose-leaf notebook containing information to assist local governments in administering local aspects of the CAMA program. The handbook is distributed to local governments in the coastal area, including Sunset Beach.

13. The Local Permit Officer's Notebook contains a subsection entitled "Forms used in processing minor development permits." Several forms are listed in the table of contents to this subsection, including Appeal Notice, Third-Party Request, and Petition for Variance. When the handbook is produced, a separate and distinct form is included for each of these purposes.

14. The local governments are expected to copy and distribute these forms to the public upon request. They are expected to maintain complete originals of these forms.

15. On March 22, 1996, the Petitioner filed a Third Party Request with DCM.

16. The Third Party Request process is a separate, statutorily authorized proceeding whereby individuals, "**other than a permit applicant**," may challenge a permit decision. The procedure for this type of proceeding is set forth in the Coastal Area Management Act, G.S. §113A-121.1(b). The statute provides that third party requests are filed with the Coastal Resources Commission, not the Office of Administrative Hearings.

17. After Ms. Fluegel filed the Third Party Request form with DCM, she received a call from Mr. Ed Brooks, a field Representative with DCM. Mr. Brooks wanted to know why Ms. Fluegel had filed an appeal when he and Ms. Fluegel had previously discussed the Town of Sunset Beach pursuing a variance in this matter. Mr. Brooks informed Ms. Fluegel that she could not file an appeal because she was a third party. Mr. Brooks also expressed the opinion that Ms. Fluegel had no grounds for appealing the Division of Coastal Management's decision. In a meeting in Mr. Brooks' office in Wilmington, North Carolina, approximately one week later, Ms. Fluegel was again informed that she had no grounds for appealing the Division of Coastal Management's decision. Mr. Brooks also indicated that Ms. Fluegel should contact the Attorney General's Office to let them know that she intended to withdraw the appeal.

18. Ms. Fluegel subsequently responded to a call from Ms. Amy Gillespie, an attorney with the North Carolina Attorney General's Office, regarding the third party appeal form which Ms. Fluegel had filed. Ms. Gillespie indicated that Ms. Fluegel could not file a third party appeal since the Town of Sunset Beach was actually the permit applicant. Ms. Gillespie further stated that Ms. Fluegel needed to write a letter to the Attorney General's Office saying that she was withdrawing the third party hearing request.

19. On March 28, 1996, still within the 20-day statutory period for appealing the permit decision, the Petitioner contacted the Division of Coastal Management to officially withdraw the Third Party Request. At this time, the Petitioner did not file an appeal with the Office of Administrative Hearings.

20. The Third Party Request was not filed with the Office of Administrative Hearings.

21. It was Ms. Fluegel's intention and desire to appeal DCM's decision to deny the CAMA Major Permit and the Dredge and Fill Permit to an impartial third party. Ms. Fluegel believes that the Office of Administrative Hearings constitutes an impartial third party. Were it not for confusion created by what Ms. Fluegel believes to be inaccurate information provided by personnel within DCM, as well as important information concerning her legal rights which was not fully disclosed by personnel within DCM and the Attorney General's Office, Ms. Fluegel might have timely filed a Petition

for a Contested Case Hearing with Office of Administrative Hearings.

22. The Petitioner was the permit applicant, not a third party.

23. On August 27, 1996, some five months after the expiration of the statutory time period in which to file a permit appeal, the Petitioner filed a motion to accept jurisdiction.

CONCLUSIONS OF LAW

1. The right to appeal to an administrative agency is granted by statute, and compliance with statutory provisions is necessary to sustain the appeal. *Lewis v. North Carolina Department of Human Resources*, 92 N.C. App. 737, 375 S.E.2d 712 (1989).

2. The Coastal Area Management Act explicitly limits the appeal of CAMA permit decisions. The sole means for a permit applicant to appeal a CAMA permit decision is set forth in G.S. §113A-121.1(a). This section provides that "an applicant for a minor or major development permit who is dissatisfied with the decision on his application may file a petition for a contested case hearing under G.S. §150B-23 within 20 days after the decision is made."

3. When the Petitioner bears the responsibility of filing a petition with the Office of Administrative Hearings on or before the requisite date, but fails to comply with the mandatory requirement for timely filing of a petition for a contested case hearing, the petition **must** be dismissed. *Gummels v. North Carolina Department of Human Resources*, 98 N.C. App. 675, 392 S.E.2d 113 (1990).

4. Subject matter jurisdiction must exist before a court can take jurisdiction of a case. If a petition is not filed within a time period set forth by statute, the court cannot take jurisdiction of the subject matter. *Gaskill v. State ex rel Cobey*, 109 N.C. App. 656, 428 S.E.2d 474, *disc. rev. denied*, 334 N.C. 163 (1993).

5. Subject matter jurisdiction is not waivable by the court or either party. Under G.S. §1A-1, Rule 12(h)(3), when a court lacks jurisdiction of the subject matter, the court shall dismiss the action.

6. The Petitioner did not file a contested case petition in the Office of Administrative Hearings within the 20 day statutory time frame. The circumstance leading to the Petitioner's late filing, while regrettable, are not legally sufficient to toll the running of the twenty day time limitation for filing a petition. Therefore, the Petitioner did not properly file a petition pursuant to G.S. §113A-121.1(a).

FINAL DECISION

The Petitioner's petition for a contested case hearing is **DISMISSED**.

NOTICE

In order to appeal a Final Decision, the person seeking review must file a Petition in the Superior Court of Wake County or in the superior court of the county where the person resides. The Petition for Judicial Review **must be filed within thirty (30) days** after the person is served with a copy of the Final Decision. North Carolina General Statutes section 150B-46 describes the contents of the Petition and requires service of the Petition on all parties.

This the 26th day of March, 1997.

Brenda B. Becton
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101	11:18 NCR 1368									
21 NCAC 01 .0301		10:22 NCR 2860	Temp. Expired							
21 NCAC 01 .0702			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0706			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0707			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0710			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711			10:16 NCR 2027	*	Approve	01/16/97	*			

ADMINISTRATIVE HEARINGS

Hearings Division

26 NCAC 03 .0301	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0302	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0303	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0304	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0305	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	

Rules Division

26 NCAC 02C	11:19 NCR 1413									
26 NCAC 02C .0102	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0103	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0111	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0307	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	

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26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
ADMINISTRATION										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
State Building Commission										
1 NCAC 30G .0101	11:04 NCR 194		11:19 NCR 1414	*	Approve	03/20/97			11:26 NCR 2004	
1 NCAC 30G .0102	11:04 NCR 194		11:19 NCR 1414	*	Object	03/20/97				
1 NCAC 30G .0103	11:04 NCR 194		11:19 NCR 1414	*	Approve	03/20/97	*		11:26 NCR 2004	
1 NCAC 30G .0104	11:04 NCR 194		11:19 NCR 1414	S/L	Object	03/20/97				
1 NCAC 30G .0105	11:04 NCR 194		11:19 NCR 1414	S/L	Approve	03/20/97			11:26 NCR 2004	
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96 01/16/97	*		11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96 01/16/97	*		11:22 NCR 1717	
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96 01/16/97	*		11:22 NCR 1717	
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:22 NCR 1717 Codified	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 52B .0212	11:14 NCR 1107		11:22 NCR 1709	*	Approve	12/19/96			Codified	
2 NCAC 52B .0303	11:14 NCR 1107		11:22 NCR 1709	*						
2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*						

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					Action	Date				
Marketing Authority										
2 NCAC 43F .0003	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43H .0001	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43H .0007	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*						
Plant Conservation Board										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
Structural Pest Control										
2 NCAC 34 .0503		11:21 NCR 1651								
2 NCAC 34 .0602		11:21 NCR 1651								
2 NCAC 34 .0604		11:21 NCR 1651								
2 NCAC 34 .0605		11:21 NCR 1651								
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368									
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									

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Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L.1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L.1900	11:09 NCR 569		11:14 NCR 1113	*						
Credit Union Division										
4 NCAC 06C.0205	10:18 NCR 2398									
4 NCAC 06C.0407	10:18 NCR 2398									
4 NCAC 06C.0409	10:18 NCR 2398									
Energy										
4 NCAC 12C.0007					Approve	07/18/96			Codified	
State Ports Authority										
4 NCAC 13A.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A.0204	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0002	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0003	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0004	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0005	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C.0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0101	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13E .0102	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0103	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0201	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0202	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0301	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0302	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0401	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0402	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0403	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0404	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0405	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0501	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0502	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0601	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0602	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0603	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0701	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0702	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0801	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0803	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0901	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0902	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0301	10/24 NCR 3056		11/13 NCR 1040	*						
4 NCAC 13E .0302	10/24 NCR 3056		11/13 NCR 1040	*						
COMMUNITY COLLEGES										
23 NCAC 01A .0001	11/18 NCR 1369	11/25 NCR 1919			Approve	01/16/97			11/22 NCR 1717	Notice Not Required
23 NCAC 01B .0001					Approve	01/16/97			11/22 NCR 1717	Notice Not Required
23 NCAC 01B .0004					Approve	01/16/97			11/22 NCR 1717	Notice Not Required
23 NCAC 01B .0005					Approve	01/16/97			11/22 NCR 1717	Notice Not Required
23 NCAC 01B .0008					Approve	01/16/97			11/22 NCR 1717	Notice Not Required

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23 NCAC 02C .0108	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0304										
23 NCAC 02C .0305	11:18 NCR 1369	11:25 NCR 1919			Object	01/16/97	*		11:24 NCR 1832	Notice Not Required
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919			Approve	02/20/97				
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0104										
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0325	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*	Object	01/16/97	*		11:24 NCR 1832	
23 NCAC 02E .0203	11:18 NCR 1369	11:25 NCR 1919			Approve	02/20/97				
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	

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					Action	Date				
14A NCAC 07 .0313	11:24 NCR 1818									
CULTURAL RESOURCES										
USS North Carolina Battleship Commission										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
DENTAL EXAMINERS										
21 NCAC 16B .0303	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0002	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16I .0006	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES										
15A Public Notice										11:01 NCR 2
15A Public Notice										11:09 NCR 590
15A NCAC 01K	10:19 NCR 2506									

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					Action	Date				
15A NCAC 01M .0101		11:06 NCR 368								
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:06 NCR 368								
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:06 NCR 368								
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:06 NCR 368								
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:06 NCR 368								
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:06 NCR 368								
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:06 NCR 368								
15A NCAC 01M .0303		11:19 NCR 1439								
15A NCAC 01M .0304		11:06 NCR 368								
15A NCAC 01M .0304		11:19 NCR 1439								
15A NCAC 01M .0305		11:06 NCR 368								
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:06 NCR 368								
15A NCAC 01M .0306		11:19 NCR 1439								
Coastal Resources Commission										
15A NCAC 07 11:04 NCR 183										
15A NCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object Approve	11/21/96				11:09 NCR 575
15A NCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*		Codified	11:20 NCR 1569
15A NCAC 07H .0106	11:19 NCR 1408				Approve	09/19/96	*		Codified	Notice Subject Matter
15A NCAC 07H .0201	11:22 NCR 1704									
15A NCAC 07H .0202	11:22 NCR 1704									
15A NCAC 07H .0203	11:22 NCR 1704									
15A NCAC 07H .0204	11:22 NCR 1704									

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15A NCAC 07H .0205	11:22 NCR 1704									
15A NCAC 07H .0206	11:22 NCR 1704									
15A NCAC 07H .0207	11:22 NCR 1704									
15A NCAC 07H .0208	11:22 NCR 1704		11:11 NCR 907	*						
15A NCAC 07H .0208	11:04 NCR 183									
15A NCAC 07H .0208	11:19 NCR 1408									
15A NCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object Approve	11/21/96 12/19/96	*		Codified	11:09 NCR 575 11:20 NCR 1569
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*						
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1600	11:15 NCR 1200		11:11 NCR 907	*						
15A NCAC 07H .1704	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1804	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1904	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2004	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07J .0102	10:24 NCR 3045		11:04 NCR 190	*	Approve	11/21/96			Codified	
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						

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15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Object Approve	01/16/97 02/20/97	*		11:24 NCR 1832	
15A NCAC 07M .1200	11:19 NCR 1408									
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0202	11:24 NCR 1818									
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400			*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:12 NCR 973	*						
15A NCAC 02B .0229	11:24 NCR 1818		11:09 NCR 572	*	Object Approve	11/21/96 12/19/96	*		Codified	
15A NCAC 02B .0231	11:02 NCR 75									
			11:10 NCR 824	L/S/E						
			11:14 NCR 1136							
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L						
			11:14 NCR 1136							
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824	*						
			11:14 NCR 1136							

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15A NCAC 02B 0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B 0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B 0237					Approve	12/19/96			Codified	
15A NCAC 02B 0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B 0304	11:24 NCR 1818									
15A NCAC 02B 0304	11:26 NCR 1976									
15A NCAC 02B 0304	11:26 NCR 1984									
15A NCAC 02B 0305	11:20 NCR 1534									
15A NCAC 02B 0306	11:26 NCR 1976									
15A NCAC 02B 0306	11:26 NCR 1984									
15A NCAC 02B 0307	11:26 NCR 1976									
15A NCAC 02B 0307	11:26 NCR 1984									
15A NCAC 02B 0308	11:20 NCR 1534									
15A NCAC 02B 0308	11:26 NCR 1976									
15A NCAC 02B 0308	11:26 NCR 1984									
15A NCAC 02B 0309	11:26 NCR 1976									
15A NCAC 02B 0309	11:26 NCR 1984									
15A NCAC 02B 0311	11:26 NCR 1976									
15A NCAC 02B 0311	11:26 NCR 1984									
15A NCAC 02B 0313	11:24 NCR 1818									
15A NCAC 02B 0313	11:26 NCR 1976									
15A NCAC 02B 0313	11:26 NCR 1984									
15A NCAC 02B 0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		Codified	
15A NCAC 02B 0315	11:24 NCR 1818									
15A NCAC 02B 0316	11:20 NCR 1534									
15A NCAC 02B 0316	11:26 NCR 1976									
15A NCAC 02B 0316	11:26 NCR 1984									
15A NCAC 02B 0317	11:26 NCR 1976									

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15A NCAC 02B .0317	11:26 NCR 1984									
15A NCAC 02C .0211					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	

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15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045									
15A NCAC 02D .0948	11:19 NCR 1408		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE						

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15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*						
15A NCAC 02L .0115	11:15 NCR 1200		11:21 NCR 1639	L						
	11:15 NCR 1204									
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A NCAC 02Q .0102			11:06 NCR 350	*						

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15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0700	11:08 NCR 442									
NPDES Permits										
NPDES Permits										
Health Services, Commission for										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*						11:06 NCR 317
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*						11:07 NCR 406
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	

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15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		Codified	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 18A	11:04 NCR 183			*	Approve	09/19/96	*		Codified	
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0134					Approve	01/16/97			Codified	
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0168					Approve	01/16/97			Codified	
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0182					Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717 11:22 NCR 1717	Notice Not Required

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15A NCAC 18A.0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A.0301					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A.0302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0401	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A.0421	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A.0424	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A.0425	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A.0614	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A.0614	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A.0615	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0616	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A.0617	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:22 NCR 1717	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0620	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A.0621	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A.0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A.0901	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			Codified	
15A NCAC 18A.1301	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:22 NCR 1717	
15A NCAC 18A.1302	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1319	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1805	11:04 NCR 183		11:09 NCR 576	*	Approve	01/16/97			Codified	
15A NCAC 18A.1814					Approve	12/19/96			Codified	
15A NCAC 18A.1937	11:19 NCR 1408	11:20 NCR 1561			Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1938	11:19 NCR 1408	11:20 NCR 1561			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561			Approve	12/19/96			Codified	
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561			Approve	04/18/96			Codified	

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15A NCAC 18A .2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96			Codified	
15A NCAC 18A .2701					Approve	06/20/96	*		Codified	
15A NCAC 19A .0101	11:26 NCR 1976									
15A NCAC 19A .0102	11:26 NCR 1976									
15A NCAC 19A .0201	11:26 NCR 1976									
15A NCAC 19A .0203	11:21 NCR 1638									
15A NCAC 19A .0205	11:26 NCR 1976									
15A NCAC 20D .0243										
15A NCAC 21H .0111		11:06 NCR 371			Approve	04/18/96			Codified	
15A NCAC 21H .0113		11:06 NCR 371								
15A NCAC 21H .0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 24A .0202		11:24 NCR 1827								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1976									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 031 .0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000	10:21 NCR 2737	*	Approve	05/16/96	*		Codified	
15A NCAC 031 .0019			11:11 NCR 888	*						
15A NCAC 031 .0202	11:07 NCR 407			*						

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15A NCAC 03J .0401			10:21 NCR 2688	*	Approve	05/16/96	*		Codified	
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			Codified	
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*						
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96			Codified	
15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		Codified	
15A NCAC 03M .0504		11:14 NCR 1153		*						
15A NCAC 03M .0506	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03M .0506		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0507		11:11 NCR 938	11:26 NCR 1988	*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		Codified	
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*						
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object Approve	11/21/96 12/19/96	*		Codified	
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			Codified	
15A NCAC 06E .0102		11:12 NCR 1004		*						
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			Codified	
15A NCAC 06E .0105		11:12 NCR 1004		*						
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A	11:26 NCR 1976									
15A NCAC 08B	11:26 NCR 1976									
15A NCAC 08C	11:26 NCR 1976									
15A NCAC 08D	11:26 NCR 1976									
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									

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15A NCAC 08F .0101		11:19 NCR 1442								
15A NCAC 08F .0102		11:19 NCR 1442								
15A NCAC 08F .0201		11:19 NCR 1442								
15A NCAC 08F .0202		11:19 NCR 1442								
15A NCAC 08F .0203		11:19 NCR 1442								
15A NCAC 08F .0301		11:19 NCR 1442								
15A NCAC 08F .0401		11:19 NCR 1442								
15A NCAC 08F .0402		11:19 NCR 1442								
15A NCAC 08F .0403		11:19 NCR 1442								
15A NCAC 08F .0404		11:19 NCR 1442								
15A NCAC 08F .0405		11:19 NCR 1442								
15A NCAC 08F .0406		11:19 NCR 1442								
15A NCAC 08F .0407		11:19 NCR 1442								
15A NCAC 08F .0501		11:19 NCR 1442								
15A NCAC 08F .0502		11:19 NCR 1442								
15A NCAC 08F .0503		11:19 NCR 1442								
15A NCAC 08F .0504		11:19 NCR 1442								
15A NCAC 08F .0505		11:19 NCR 1442								
15A NCAC 08F .0506		11:19 NCR 1442								
Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		Codified	
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			Codified	
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*						
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			Codified	
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			Codified	
15A NCAC 10C .0107	11:02 NCR 76			*						

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15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0308	11:21 NCR 1638									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*						
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0339	11:21 NCR 1638									
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0355	11:25 NCR 1905									
15A NCAC 10F .0367	11:16 NCR 1269									

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15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 101.0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96			Codified	
15A NCAC 101.0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	11:03 NCR 104
Wildlife Proclamation										11:04 NCR 182
Wildlife Proclamation										11:23 NCR 1778
Wildlife Proclamation										11:26 NCR 1969
Wildlife Proclamation										11:01 NCR 1
										11:04 NCR 181
										11:06 NCR 315
										11:07 NCR 405
										11:13 NCR 1038
										11:16 NCR 1263
										11:18 NCR 1367
										11:20 NCR 1533
										11:24 NCR 1814

FINAL DECISION LETTERS

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GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202		11:24 NCR 1828								
21 NCAC 12 .0204	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 583	*	Approve	10/17/96			Codified	
21 NCAC 12 .0503	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 584	*	Approve	10/17/96	*		Codified	

GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96										11:05 NCR 270
Number 96 - Eff. 06/14/96										11:08 NCR 441
Number 97 - Eff. 07/12/96										11:10 NCR 817
Number 98 - Eff. 08/09/96										11:11 NCR 880
Number 99 - Eff. 09/05/96										11:14 NCR 1101
Number 100 - Eff. 09/12/96										11:14 NCR 1101
Number 101 - Eff. 09/12/96										11:14 NCR 1101
Number 102 - Eff. 10/02/96										11:15 NCR 1197
Number 103 - Eff. 10/10/96										11:15 NCR 1197
Number 104 - Eff. 10/10/96										11:15 NCR 1197
Number 105 - Eff. 12/02/96										11:19 NCR 1406
Number 106 - Eff. 12/11/96										11:21 NCR 1631
Number 107 - Eff. 02/20/97										11:25 NCR 1901
Number 108 - Eff. 02/24/97										11:25 NCR 1901

HOUSING FINANCE AGENCY

24 NCAC 01P .0101		11:14 NCR 1154								
24 NCAC 01P .0102		11:14 NCR 1154								
24 NCAC 01P .0103		11:14 NCR 1154								
24 NCAC 01P .0201		11:14 NCR 1154								
24 NCAC 01P .0202		11:14 NCR 1154								
24 NCAC 01P .0203		11:14 NCR 1154								

HUMAN RESOURCES

10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L	Approve	12/19/96	*		Codified	
10 NCAC 01B	11:23 NCR 1779									

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					Action	Date				
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0302	11:24 NCR 1817									
10 NCAC 03U .0506	11:24 NCR 1817									
10 NCAC 03U .0509	11:24 NCR 1817									
10 NCAC 03U .0601	11:24 NCR 1817									
10 NCAC 03U .0602	11:24 NCR 1817									
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U .0604	11:24 NCR 1817									
10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0704	10:19 NCR 2506		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0705	11:14 NCR 1108									
10 NCAC 03U .0705	11:24 NCR 1817									
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object	03/20/97				
10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									
10 NCAC 03U .0901	11:08 NCR 449									
10 NCAC 03U .1402	11:24 NCR 1817		11:17 NCR 1338	*						
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108									
10 NCAC 03U .1717	11:24 NCR 1817									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2603	11:24 NCR 1817									
10 NCAC 03U .2606	11:08 NCR 449									

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					Action	Date				
10 NCAC 03U .2610	11:24 NCR 1817									
10 NCAC 03U .2611	11:24 NCR 1817									
10 NCAC 03U .2701		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
Facility Services										
10 NCAC 03	10:18 NCR 2399									
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002		11:21 NCR 1655								
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			Codified	11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Object Approve	10/17/96 11/21/96 03/20/97	*		11:26 NCR 2004	11:11 NCR 888
10 NCAC 03R .3030										
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				11:11 NCR 888

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10 NCAC 03R .3040	10:23 NCR 2956		11:11 NCR 888		Approve	11/21/96	*			
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
10 NCAC 03R .3051		11:21 NCR 1655	11:06 NCR 328	S/L/SE	Approve	11/21/96	*		Codified	
10 NCAC 03R .3052		11:21 NCR 1655								
10 NCAC 03R .3053		11:21 NCR 1655								
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3054		11:21 NCR 1655								
10 NCAC 03R .3055		11:21 NCR 1655								
10 NCAC 03R .3056		11:21 NCR 1655								
10 NCAC 03R .3057		11:21 NCR 1655								
10 NCAC 03R .3058		11:21 NCR 1655								
10 NCAC 03R .3059		11:21 NCR 1655								
10 NCAC 03R .3060		11:21 NCR 1655								
10 NCAC 03R .3061		11:21 NCR 1655								
10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
10 NCAC 03R .3068		11:21 NCR 1655								
10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								
10 NCAC 03R .3074		11:21 NCR 1655								

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10 NCAC 03R .3075		11:21 NCR 1655								
10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									
Medical Assistance										
Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*		Codified	11:03 NCR 101
10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*						
10 NCAC 26G .0707	11:08 NCR 450	11:15 NCR 1205	11:18 NCR 1371	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268		11:23 NCR 1781	S/L						
10 NCAC 26H .0212		11:15 NCR 1205								
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0506		11:02 NCR 77	Temp. Expired							
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438								

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10 NCAC 26H .0602	11:09 NCR 569	11:13 NCR 1062		S/L	Approve	12/19/96			Codified	
10 NCAC 50B .0202		11:10 NCR 841								
10 NCAC 50B .0404		11:10 NCR 841								
10 NCAC 50B .0409		11:10 NCR 841								
10 NCAC 50D										11:06 NCR 316
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560								
10 NCAC 03B .1002		11:20 NCR 1560								
10 NCAC 03C .3707	11:20 NCR 1534									
10 NCAC 03C .6208										
10 NCAC 03D .0800	11:23 NCR 1779									
10 NCAC 03D .0900	11:23 NCR 1779									
10 NCAC 03D .1000	11:23 NCR 1779									
10 NCAC 03D .1100	11:23 NCR 1779									
10 NCAC 03D .1200	11:23 NCR 1779									
10 NCAC 03D .1300	11:23 NCR 1779									
10 NCAC 03D .1400	11:23 NCR 1779									
10 NCAC 03D .1500	11:23 NCR 1779									
					Approve	04/18/96			Codified	

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10 NCAC 03M	11:23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .3803	11:08 NCR 449		11:24 NCR 1822	*						
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .5602	11:08 NCR 449		11:24 NCR 1822	*						
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0128	11:08 NCR 449		11:24 NCR 1822	*						
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0129	11:08 NCR 449		11:24 NCR 1822	*						
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 18W .0201	10:15 NCR 1478		11:24 NCR 1822	*						
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			

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					Action	Date				
10 NCAC 45H .0200	11-08 NCR 449									
Social Services Commission										
10 NCAC 35E .0101	11-16 NCR 1288									
10 NCAC 35E .0105	11-16 NCR 1288									
10 NCAC 35E .0106	11-16 NCR 1288									
10 NCAC 35E .0308	11-16 NCR 1288									
10 NCAC 41F	10-23 NCR 2956									
10 NCAC 41F .0705	10-23 NCR 2956		11-03 NCR 111	L	Approve	07/18/96	*		Codified	
10 NCAC 41F .0706	10-21 NCR 2726		11-03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0707	10-21 NCR 2726		11-03 NCR 111	S	Object	07/18/96	*		Codified	
					Approve	09/19/96				
10 NCAC 41F .0812	10-21 NCR 2726		11-03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0813	10-21 NCR 2726		11-03 NCR 111	S	Object	07/18/96	*		Codified	
					Approve	09/19/96				
10 NCAC 41F .0814	10-23 NCR 2956		11-03 NCR 111	L	Object	07/18/96	*		Codified	
					Approve	09/19/96				
10 NCAC 41I .0100	10-17 NCR 2228									
10 NCAC 41I .0102	10-17 NCR 2228		10-21 NCR 2687	*						
10 NCAC 41P .0102	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Object	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P .0105	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	12/19/96			Codified	
10 NCAC 41P .0106	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	12/19/96	*		Codified	Notice Not Required
10 NCAC 41P .0108	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Object	11/21/96	*		Codified	
10 NCAC 41P .0109	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	12/19/96	*		Codified	Notice Not Required
10 NCAC 41P .0110	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P .0111	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P .0112	11-06 NCR 323	11-08 NCR 528	11-12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 42A .0701	10-21 NCR 2728	10-21 NCR 2728	11-10 NCR 823	S/L/SE	Approve	11/21/96	*		Codified	
10 NCAC 42A .0702	10-21 NCR 2728	10-21 NCR 2728	11-10 NCR 823	*	Approve	11/21/96	*		Codified	

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10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96				
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967		Approve	11/21/96			Codified	
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*		Codified	
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		Codified	
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		Codified	
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96			Codified	
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		Codified	
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42J .0001		11:16 NCR 1288		*	Approve	11/21/96			Codified	
10 NCAC 42J .0004		11:16 NCR 1288		*	Object	11/21/96			Codified	
10 NCAC 42J .0005		11:16 NCR 1288		*	Approve	11/21/96	*		Codified	
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	11/21/96			Codified	
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	

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					Action	Date				
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			Codified	
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			Codified	
10 NCAC 49C .0107		10:18 NCR 2402	Temp. Expired							
Vocational Rehabilitation Services										
10 NCAC 20B .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
INSURANCE										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1002		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1003		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1004		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1005		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1006		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1007		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1008		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1010		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .101		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .102		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .103		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .104		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .105		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .106		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .107		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .108		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .109		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .110		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .111		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .112		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .113		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .114		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .115		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .116		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1201		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				Temp Filed over obj

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11 NCAC 08 .1203		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1204		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1206		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1207		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency Withdraw	03/97				
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
			11:19 NCR 1416	*	Agency withdraw	03/97				
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		Codified	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	05/16/96			Codified	
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101					Approve	04/18/96			Codified	
12 NCAC 021 .0206					Approve	04/18/96			Codified	
12 NCAC 021 .0210					Approve	04/18/96			Codified	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*						

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12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*						
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									
12 NCAC 07D	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*						
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						

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Permanent Variance Filing										
Boiler & Pressure Vessel										
13 NCAC 13 .0213		11:25 NCR 1918								11:22 NCR 1703
Occupational Safety and Health										
*Verbatim Adoption Federal Standards										
*13 NCAC 07A .0301										11:25 NCR 1903
*13 NCAC 07F .0101										11:24 NCR 1813
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0201										11:25 NCR 1903
*13 NCAC 07F .0501										11:25 NCR 1903
13 NCAC 07A .0302	11:26 NCR 1984									11:25 NCR 1903
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119	Temp. Expired							
13 NCAC 07F .0101	11:24 NCR 1817									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817									
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 16 .0102	11:26 NCR 1984									
13 NCAC 16 .0201	11:26 NCR 1984									
13 NCAC 16 .0202	11:26 NCR 1984									
13 NCAC 16 .0203	11:26 NCR 1984									
13 NCAC 16 .0204	11:26 NCR 1984									
13 NCAC 16 .0205	11:26 NCR 1984									
13 NCAC 16 .0206	11:26 NCR 1984									
13 NCAC 16 .0207	11:26 NCR 1984									
13 NCAC 16 .0208	11:26 NCR 1984									
13 NCAC 16 .0301	11:26 NCR 1984									

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13 NCAC 16 .0302	11:26 NCR 1984									
13 NCAC 16 .0303	11:26 NCR 1984									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H	11:26 NCR 1986									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	

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21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96			Returned to Agency 6/20/96	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 320	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0109	11:24 NCR 1821									
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*	Object	03/20/97				
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*						
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*						
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369		11:25 NCR 1917	*						
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						
21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
21 NCAC 54 .2704					Approve	04/18/96			Codified	
21 NCAC 54 .2706					Approve	04/18/96			Codified	
PUBLIC EDUCATION										
16 NCAC 01A .0001					Approve	05/16/96			Codified	

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					Action	Date				
Standards Board for Public School Administration										
16 NCAC 01A .0003					Approve	05/16/96			Codified	
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*			
16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96			Codified	
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*		Codified	
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*		Codified	
16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*		Codified	
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
				*	Approve	12/19/96			Codified	

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21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			Codified	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*		Codified	
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object Approve	11/21/96 12/19/96	*		Codified	
REVENUE										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object Approve Approve	08/15/96 09/19/96 08/15/96			Codified Codified	
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	01/16/97	*		11:22 NCR 1717	
17 NCAC 01C .0506			11:10 NCR 838	*						
17 NCAC 05C .0102			11:03 NCR 113	*	Object Rule Returned	11/21/96 01/16/97				
			11:09 NCR 582	*	Approve	05/16/96	*		Codified	
17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	04/18/96	*		Codified	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		Codified	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	

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					Action	Date				
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4501			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
Tax Review Board										11:02 NCR 72
Tax Review Board										11:06 NCR 318
Tax Review Board										11:14 NCR 1104
Tax Review Board										11:16 NCR 1266
Tax Review Board										11:17 NCR 1332
Tax Review Board										11:21 NCR 1632
Tax Review Board										11:26 NCR 1970
SOCIAL WORK, BOARD OF										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		Codified	
SOIL SCIENTISTS, BOARD FOR LICENSING										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			Codified	
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve Object	09/19/96			Codified	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			Codified	
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			Codified	

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21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
			11:04 NCR 200	*	Object	09/19/96				
			11:08 NCR 523	*	Approve	09/19/96	*		Codified	
SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS										
21 NCAC 64 .0303	11:23 NCR 1780									
STATE PERSONNEL COMMISSION										
25 NCAC 01D .2501		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434	*						

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25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01J .0613		10:23 NCR 2960	Temp. Expired		Approve	03/21/96			Codified	
25 NCAC 01J .0613										
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	

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21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
TRANSPORTATION										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Object	08/15/96			Codified	
					Approve	09/19/96	*		Codified	
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537		11:26 NCR 1991	*						
19A NCAC 02B .0242	11:26 NCR 1986									
19A NCAC 02B .0303	11:26 NCR 1986									
19A NCAC 02D .0415	11:20 NCR 1537		11:26 NCR 2004	*						

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					Action	Date				
19A NCAC 02D 0425					Approve	08/15/96			Codified	
19A NCAC 02D 1101	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D 1102	10 23 NCR 2957		11 05 NCR 274	*	Object	08/15/96				
					Approve	09/19/96	*		Codified	
19A NCAC 02D 1103	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D 1104	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D 1105	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D 1106	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D 1107	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D 1108	10 23 NCR 2957		11 05 NCR 274	*	Object	08/15/96				
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19A NCAC 02D 1109	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D 1110	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D 1111	10 23 NCR 2957		11 05 NCR 274	*	Object	08/15/96	*			
					Approve	09/19/96	*		Codified	
19A NCAC 02D 1112	10 23 NCR 2957		11 05 NCR 274	*	Approve	08/15/96				
Motor Vehicles, Division of										
19A NCAC 03E 0403					Object	12/19/96				
					Approve	01/16/97			11 22 NCR 1717	Notice Not Required
19A NCAC 03E 0501	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0502	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0510	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0511	11 01 NCR 13		11 07 NCR 416	*	Approve	10/17/96	*		Codified	
19A NCAC 03E 0512	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0513	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0514	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0515	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0518	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0519	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E 0522	11 01 NCR 13		11 07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03I 0100	11 19 NCR 1413			*	Approve	09/19/96	*		Codified	

CUMULATIVE INDEX

(April 1996 - June 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 031.0200	11:19 NCR 1413									
19A NCAC 031.0300	11:19 NCR 1413									
19A NCAC 031.0400	11:19 NCR 1413									
19A NCAC 031.0500	11:19 NCR 1413									
19A NCAC 031.0600	11:19 NCR 1413									
19A NCAC 031.0700	11:19 NCR 1413									
19A NCAC 031.0800	11:19 NCR 1413									
19A NCAC 03J.0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 03J.0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
					Approve	03/20/97	*		11:26 NCR 2004	Notice Not Required
					Approve	03/20/97			11:26 NCR 2004	Return to Agency
19A NCAC 03J.0306				*	Object	02/20/97				Notice Not Required
19A NCAC 03J.0307	11:11 NCR 882		11:17 NCR 1340		Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J.0308					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J.0308	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
					Approve	03/20/97	*		11:26 NCR 2004	
19A NCAC 03J.0601	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	

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Victims Compensation Fund	214 00 111	\$25.00
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